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DOCUMENTS
OF THE
S E N A T E

OF THE
STATE OF NEW YORK.

ONE HUNDRED AND TWENTY-NINTH SESSION.

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1906

ANNUAL REPORT
OF THE
STATE BOARD OF CHARITIES
FOR THE YEAR 1905

IN THREE VOLUMES
WITH STATISTICAL APPENDIX TO VOLUME ONE BOUND SEPARATELY

VOLUME THREE

**This volume contains the constitutional provisions and the laws
which have relation to the work of the State Board of
Charities, and the rules and by-laws of the Board.**

TRANSMITTED TO THE LEGISLATURE FEBRUARY 12, 1906

ALBANY
BRANDOW PRINTING COMPANY
STATE LEGISLATIVE PRINTER

1906

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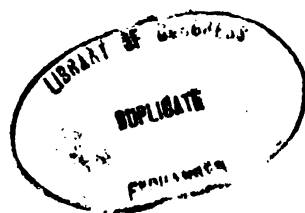


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**CONSTITUTIONAL PROVISIONS AND THE LAWS WHICH HAVE RELATION
TO THE WORK OF THE STATE BOARD OF CHARITIES;
AND THE RULES AND THE BY-LAWS
OF THE BOARD.**

THE STATE BOARD OF CHARITIES.*

By Article VIII of the Constitution of the State of New York, adopted in 1894, the State Board of Charities, created in 1867, became a constitutional body January 1, 1895. Such Constitution provides that the Board shall visit and inspect all institutions, whether State, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, including institutions for epileptics and idiots, and all reformatories (save those in which adult males convicted of felony, shall be confined), and excepting institutions for the care and treatment of the insane, and for the detention of adults charged with or convicted of crime, or detained as witnesses and debtors.

The Constitution also provides that the members of the Board shall be appointed by the Governor, by and with the advice and consent of the Senate, and all existing laws relating to institutions above mentioned, and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the Constitution, shall remain in force, and that the Legislature may confer upon the Board any additional powers. It further provides that while payments by counties, cities, towns and villages to charitable, eleemosynary, correctional or reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized but shall not be required by the Legislature, no such payments shall be made for any such inmate of such institution who is not received and retained therein pursuant to rules established by the State Board of Charities.

The Commissioners comprising the Board are twelve in number, and are appointed for the term of eight years, one from each judicial district of the State, one additional member from the county of Kings, and three additional members from the county of New York. The Commissioners are required to reside in the districts from which they are respectively appointed, and no Commissioner can act as such while a trustee, director or other administrative officer of any of the institutions subject to the visitation and inspection of the Board.

The principal duties of the Board are to visit, inspect and maintain a general supervision of all institutions, societies, or associations which are of a charitable, eleemosynary, correctional or reformatory character, whether State or municipal, incorporated or not incorporated, made subject to its jurisdiction by the Constitution and the statutes. Other duties are to frame rules for the reception and retention of inmates and to approve or disapprove the organization and incorporation of all institutions which are or shall be subject to the supervision and inspection of the Board.

The chief officers of the Board are a President and a Vice-President, elected annually from its members.

Each Commissioner receives as compensation ten dollars for each day's attendance at meetings of the Board or any of its committees, not to exceed \$500 in a year to any commissioner, and is also paid his expenses while engaged, and his outlay for any aid or assistance rendered, in the performance of his duties. The Board is required to report to the Legislature annually. The seal of the office is the Arms of the State surrounded by the inscription, "State of New York — The State Board of Charities."

* From the Legislative Manual of 1906.

THE COMMISSIONERS AND OFFICERS
OF THE
State Board of Charities
1906.

COMMISSIONERS APPOINTED BY THE GOVERNOR. NAMES AND
RESIDENCES.

First Judicial District.—WILLIAM B. STEWART, 31 Nassau street, New York City.

New York County.—STEPHEN SMITH, M. D., 300 Central Park, West, New York City.

New York County.—ANNIE G. DE PEYSTER, 101 West Eighty-first street, New York City.

New York County.—MICHAEL J. SCANLAN, 51 Chambers street, New York City.

Second Judicial District.—AUGUSTUS FLOYD, Mastic, Moriches P. O.

Kings County.—JOHN NOTMAN, 136 Joralemon street, Brooklyn.

Third Judicial District.—SIMON W. ROSENDALE, 57 State street, Albany.

Fourth Judicial District.—WILLIAM B. REMINGTON, Canton, St. Lawrence county.

Fifth Judicial District.—DENNIS MCCARTHY, 219 South Salina street, Syracuse.

Sixth Judicial District.—RALPH W. THOMAS, Hamilton, Madison county.

Seventh Judicial District.—ENOCH VINE STODDARD, M. D., 62 State street, Rochester.

Eighth Judicial District.—WILLIAM H. GRATWICK, 814 Fidelity Trust Building, Buffalo.

STATE BOARD OF CHARITIES.**OFFICERS.**

ENOCH VINE STODDARD, M. D., President.

STEPHEN SMITH, M. D., Vice-President.

ROBERT W. HILL, Acting Secretary.

ROBERT W. HILL, Superintendent of State and Alien Poor.

CYRUS G. LATHROP, Acting Superintendent of Inspection.

GENERAL OFFICES OF THE BOARD.

THE CAPITOL, Albany, N. Y.

Hours: 9 A. M. to 5 P. M. On Saturdays to 12 M.

ROBERT W. HILL, Acting Secretary.

The Secretary has general supervision of the employees of the Board and of all branches of the Board's work.

EMPLOYEES OF THE GENERAL OFFICE.

WELLINGTON D. IVES, Chief Clerk.

ELLEN L. TENNEY, Statistician.

WILLIAM C. HINCKLEY, Stenographer.

CLARA M. PAQUET, Clerk.

GEORGE C. DANIELS, Clerk.

DEPARTMENT OF STATE AND ALIEN POOR.

This department has supervision of the State, Alien and Indian dependent classes, and performs the duties required by law or prescribed by the Board for their final care and settlement; it is also charged with the inspection of the State charitable and reformatory institutions, the almshouses and other municipal institutions which report to the Board, and the foster homes of children placed out in families.

ROBERT W. HILL, Superintendent, The Capitol, Albany, N. Y.

HENRY M. LECHTRECKER, Inspector of State Institutions, The Capitol, Albany, N. Y.

CYRUS C. LATHROP, Inspector of Almshouses, The Capitol, Albany, N. Y.

WILLIAM C. ROGERS, Inspector of Almshouses, The Capitol, Albany, N. Y.

MARY E. WALSH, Inspector of Children Placed Out, The Capitol, Albany, N. Y.

CHARLES K. BLATCHLY, Inspector, 287 Fourth avenue, New York City.

JACOB H. MANN, Transfer Agent, Department of State and Alien Poor, New York City Home for the Aged and Infirm, Blackwell's Island, New York City.

SEWARD WIKOFF, Transfer Agent, Department of State and Alien Poor, 241 Terrace, Buffalo, N. Y.

ANNA MITCHELL, Stenographer.

PHOEBE M. SMITH, Stenographer.

DEPARTMENT OF INSPECTION.

This department has charge of the visitation and inspection of all institutions, societies or associations which are of a charitable, eleemosynary, correctional or reformatory character, excepting state and municipal institutions and those having the custody of State, Alien and Indian poor.

CYRUS C. LATHROP, Acting Superintendent of Inspection, The Capitol, Albany, N. Y.

L. ELIZABETH THACHER, Clerk.

LEOLA E. TERNAN, Stenographer.

FANNIE G. SCHLESINGER, Junior Clerk.

EASTERN INSPECTION DISTRICT.

Office, 287 Fourth avenue, New York City.

Hours: 9 A. M. to 5 P. M. On Saturdays to 12 M.

JOHN B. PREST, Acting Superintendent.

RICHARD W. WALLACE, Inspector.

CLARENCE E. FORD, Inspector.

MINNIE B. WADE, Inspector.

ALICE M. KAUTZ.

KATE F. CAHILL, Stenographer.

HARRY M. HIRSCH, Page.

WESTERN INSPECTION DISTRICT.

Office, 853 Powers Building, Rochester, N. Y.

Hours: 9 A. M. to 5 P. M. On Saturdays to 12 M.

WILLIS L. WEEDEN, Superintendent.

MARY MacARTHUR, Stenographer.

EXTRACTS FROM THE CONSTITUTION

Of the State of New York Relating to the State Board of Charities.

ARTICLE VIII.

* * * * *

§ 11. The legislature shall provide for a state board of charities, which shall visit and inspect all institutions, whether state, county, municipal, incorporated or not incorporated, which are of a charitable, eleemosynary, correctional or reformatory character, excepting only such institutions as are hereby made subject to the visitation and inspection of either of the commissions hereinafter mentioned, but including all reformatories except those in which adult males convicted of felony shall be confined; a state commission in lunacy, which shall visit and inspect all institutions, either public or private, used for the care and treatment of the insane (not including institutions for epileptics or idiots); a state commission of prisons which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors.

1. CORPORATIONS—WHEN CHARITABLE IN NATURE—CAPACITY TO TAKE CHARITABLE GIFTS. The capacity of a corporation to take and administer charitable gifts does not imply that the corporation must necessarily be of a charitable nature.

2. EXEMPTION FROM TAXATION AS INDICATION OF CHARITABLE NATURE OF CORPORATION. The exemption from taxation given by chapter 553 of the Laws of 1890 to societies for the prevention of cruelty to children does not show that the New York Society for the Prevention of Cruelty to Children is of the class designated as charitable, since charitable institutions were already exempt, and the statute was not necessary if this corporation belonged to that class, and, moreover, exemption from taxation is a privilege frequently conferred by the legislature upon corporations with no charitable features whatever.

3. CORPORATION RECEIVING MONEY FROM CITY TREASURY. In receiving and disbursing the money which is annually given from the city treasury to the New York Society for the Prevention of Cruelty to Children that corporation does not receive or administer any charity, but only takes an allowance from the city for doing work that otherwise would devolve upon the police department.

4. NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN — PURPOSE AND CHARACTER OF — NOT SUBJECT TO VISITATION BY STATE BOARD OF CHARITIES. The New York Society for the Prevention of Cruelty to Children, organized under chapter 130 of the Laws of 1875, for the prevention of cruelty to children and the enforcement by all lawful means of the laws relating to or in any wise affecting children, is not a charitable institution within the scope of sections 11 to 14 of article 8 of the Constitution, chapter 771 of the Laws of 1895 and chapter 546 of the Laws of 1896, giving to the State Board of Charities the right of visitation with respect to all charitable institutions, since it receives no public money for charitable uses and administers no charity in any legal sense, but exists for the sole purpose of enforcing the criminal laws to prevent cruelty to children, although the corporation, as a mere incident of its work, feeds, clothes and cares for children temporarily while detained as witnesses or victims of cruelty pending the prosecution of the offenders in the courts.

5. STATE SUPERVISION OF CHARITABLE INSTITUTIONS — EXTENT OF. The scheme of state supervision of charitable institutions under the Constitution and statutes was not intended to apply to every institution engaged in some good or commendable work for the relief of humanity from some of the various ills with which it is afflicted, but only to those corporations, public or private, maintained in whole or in part by the state, or some of its political divisions, through which charity, as such, is dispensed by public authority to those having a claim upon the generosity or bounty of the state. *Court of Appeals, January, 1900, People ex rel. State Board of Charities v. New York Society for Prevention of Cruelty to Children*, 161 N. Y. 233 (42 App. Div. 83, reversed).

1. CORPORATIONS, WHEN CHARITABLE. A charitable institution, within the meaning of sections 11 to 14 of article 8 of the Constitution, chapter 771 of the Laws of 1895, and chapter 546 of the Laws of 1896, giving to the State Board of Charities the right of visitation with respect to all charitable institutions, is one that in some form or to some extent receives public money for the support and maintenance of indigent persons, and by public money is meant money raised by taxation not only in the State at large, but in any city, county or town. *Court of Appeals, April, 1900, People ex rel. State Board of Charities v. The New York Society for the Prevention of Cruelty to Children*, 162 N. Y. 429.

2. PRIVATE CHARITABLE INSTITUTION NOT SUBJECT TO STATE INSPECTION. A purely private institution, which, without any compensation from the public, cares for or maintains indigent adults or children who voluntarily seek it as a home, or who remain there voluntarily, is not subject to State inspection or regulation. *Id.*

In that case (161 N. Y. 233) the only question before the court was whether the defendant (the New York Society for the Prevention of Cruelty to Children) was an institution of "charitable, eleemosynary, correctional or reformatory" character within the nomenclature of section 11, article VIII of the Constitution, and, therefore, subject to the visitation of the State Board of Charities, a question not at all involved in this case. *Court of Appeals, February, 1901, Fox v. Mohawk and Hudson River Humane Society*, 165 N. Y. 517.

§ 12. The members of the said board and of the said commissions shall be appointed by the governor, by and with the advice and consent of the senate; and any member may be removed from office by the governor for cause, an opportunity having been given him to be heard in his defense.

§ 13. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the constitution, shall remain in force until amended or repealed by the legislature. The visitation and inspection herein provided for, shall not be exclusive of other visitation and inspection now authorized by law.

§ 14. Nothing in this constitution contained shall prevent the legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper; or prevent any county, city, town or village from providing for the care, support, maintenance and secular education of inmates of orphan asylums, homes for dependent children or correctional institutions, whether under public or private control. Payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required by the legislature. No such payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the state board of charities. Such rules shall be subject to the control of the legislature by general laws.

PRIVATE CHARITABLE INSTITUTIONS — EFFECT OF NEW CONSTITUTION UPON STATUTORY LOCAL AID FROM PUBLIC MONEYS. The Constitution of 1894 did not of itself annul and render inoperative mandatory provisions in existing statutes requiring the payment by localities of public moneys to private charitable institutions, by force of the new provision (art. 8, § 14), that such payments "may be authorized, but shall not be required by the Legislature;" but its effect was to leave such statutory provisions in force until superseded by subsequent legislation. *Court of Appeals, April, 1897, People ex rel. The Inebriates' Home for Kings County v. The Comptroller of the City of Brooklyn*, 152 N. Y. 399.

LIMITATION ON FUTURE LEGISLATION. The above provision of the Constitution is a mere limitation on future legislative action, and was not intended to forbid the operation of existing laws. *Id.*

NON-ABOGATION OF ADMINISTRATIVE DUTY OF PAYMENT OF PUBLIC MONEYS TO PRIVATE CHARITABLE INSTITUTION. The above provision of the Constitu-

tion did not abrogate the purely administrative duty imposed upon the comptroller of the city of Brooklyn by chapter 169, Laws of 1877, of paying a portion of the excise moneys to the Inebriates' Home for Kings County, a private charitable and reformatory institution. *Id.*

REQUIREMENT OF COMPLIANCE WITH RULES OF STATE BOARD OF CHARITIES. The new provision of the Constitution of 1894 (art. 8, § 14), that no payments of public moneys by localities to private charitable institutions shall be made for any inmate who is not received and retained "pursuant to rules established by the State Board of Charities," operated presently, so that from the time rules should be established by the State Board on the subject, no payments would be justified for inmates received or retained, in contravention of the rules of the board. *Id.*

FAILURE OF PRIVATE CHARITABLE INSTITUTIONS TO EARN PUBLIC MONEYS. The courts will not compel the payment to a private charitable institution of public moneys authorized to be paid only for the current support of inmates during the period when the fund accrued, where it appears that the institution had to a great extent ceased its operations and had not, except to a limited extent, performed the service which was the consideration of the payment to be made out of the public funds. *Id.*

People ex rel. Inebriates' Home v. Comptroller (11 App. Div. 114), affirmed.

CHARITABLE INSTITUTIONS — SUPERVISION OF STATE BOARD OF CHARITIES. It is not necessary that an institution should be wholly charitable to fall within the provisions of the Constitution (art. 8, §§ 11-15) and the statutes (L. 1895, chaps. 754, 771) placing charitable institutions under the supervision and rules of the State Board of Charities. It is enough if the institution is partly charitable in its character and purpose. *Court of Appeals, October, 1897, People ex rel. the New York Institution for the Blind v. Fitch, Comptroller of the City of New York*, 154 N. Y. 14.

EDUCATIONAL AND CHARITABLE INSTITUTION. The mere fact that an institution is partly educational does not exclude it from the provisions of the Constitution and statutes placing charitable institutions under the supervision and rules of the State Board of Charities. If an institution is both educational and charitable, it falls within those provisions. *Id.*

INSTITUTIONS FOR INSTRUCTION OF THE BLIND. The fact that institutions for the instruction of the blind are subject to the visitation of the Superintendent of Public Instruction (L. 1894, chap. 556, tit. 15, art. 14) does not prevent such an institution from being charitable in its character and purpose, and, hence, also subject to the visitation of the State Board of Charities (Const., art. 8, § 13). *Id.*

MEANING OF "CHARITABLE." The word "charitable," as used in the provisions of the Constitution and the statutes subjecting charitable institutions to the supervision and rules of the State Board of Charities, is to be given only its usual and ordinary meaning. *Id.*

INSTITUTION FOR THE BLIND — CHARITABLE IN PART. The New York Institution for the Blind, an institution under private control, organized in 1831 (chap. 214) for the special education of the blind, is to be regarded as a charitable institution so far as it clothes, educates and maintains indigent pupils at public expense or by donations from individuals; and as to such pupils, it is subject to the supervision and rules of the State Board of Charities. *Id.*

INSTITUTION EDUCATIONAL IN PART. Such institution, so far as it educates pupils who pay for their tuition, board and maintenance, is not to be regarded as a charitable, but only as an educational institution, and as to those pupils the Board of Charities has no jurisdiction or power of supervision.

INSTITUTION OF CHARITABLE CHARACTER. Such institution, being to an extent charitable as well as educational, falls within the provisions of the Constitution and statutes as an institution of a charitable character or design. *Id.*

STATE MAINTENANCE OF FREE EDUCATION. The provision of the Constitution (art. 9, § 1), that "the Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated," relates only to the public or common schools of the State, and has no application to appropriations made by the State to an institution for the education of the blind, wholly or partly under private control. *Id.*

STATE AID TO PRIVATE EDUCATION OF THE BLIND. Appropriations by the Legislature to a local or private institution, for the education and support of the blind, are based upon and authorized by the provisions of the Constitution (art. 8, § 10 of 1874; § 9 of 1894) which prescribe that the prohibition of State aid to any association, corporation or private undertaking shall not prevent the Legislature from making such provision for the education and support of the blind as to it may seem proper. *Id.*

PAST APPROPRIATIONS NOT VIOLATIVE OF THE CONSTITUTION. It does not follow that, if the New York Institution for the Blind is charitable, appropriations made to it in the past by the State for the education and support of pupils, and appropriations made by the counties of New York and Kings (under L. 1870, chap. 166, § 3) of the sums required for clothing the indigent pupils who were residents of the county making the appropriation were violative of the Constitution (art. 8, §§ 8, 11, of 1874). *Id.*

MANDATORY APPROPRIATION. The charitable character of the New York Institution for the Blind is not changed if the provisions of the statute (L. 1870, chap. 166, § 3) requiring the counties of New York and Kings to appropriate money to clothe indigent pupils is mandatory, and hence in conflict with the Constitution of 1894 (art. 8, § 14), which is not decided. *Id.*

PARTICIPATION IN PUBLIC SCHOOL FUND. It does not follow from the fact that the charter of Greater New York (L. 1897, chap. 378, § 1161), authorizes the board of education to distribute a ratable proportion of the school fund to every pupil in the New York Institution for the Blind, that the institution must be regarded as purely educational and not charitable. *Id.*

PUBLIC PAYMENTS TO CHARITABLE INSTITUTIONS. The Legislature can not now authorize a locality to pay, nor can a locality in any case pay its money to a charitable institution, wholly or partly under private control, for the care, support and maintenance of inmates who are not received and retained pursuant to the rules established by the State Board of Charities. (Const. 1894, art. 8, § 14.) *Id.*

PAYMENT DEPENDENT UPON OBSERVANCE OF RULES OF BOARD OF CHARITIES. The New York Institution for the Blind being, to an extent, a charitable institution and, so far as it is charitable, subject to the visitation and rules of the State Board of Charities, no payment can be properly made to it from

the moneys of the city and county of New York for the maintenance or support, including clothing, of any indigent inmate not received and retained by it pursuant to the rules of that board. *Id.*

Court of Appeals, October, 1897, People ex rel. Inst. for the Blind v. Fitch, 12 App. Div. 581, reversed.

CHARITABLE INSTITUTIONS — PAYMENTS OF PUBLIC MONEYS TO INSTITUTIONS WHOLLY OR PARTLY UNDER PRIVATE CONTROL — RULES OF THE STATE BOARD OF CHARITIES. A municipal corporation is prohibited by the Constitution (art. 8, § 14) and the statutes (L. 1895, ch. 754; L. 1896, ch. 546, § 9, subd. 8) from paying public moneys to a charitable institution wholly or partly under private control, for the care, support and maintenance of inmates who are not received and retained therein pursuant to the rules established by the State Board of Charities for the purpose of determining whether such inmates are properly a public charge. *Court of Appeals, October, 1902, In re Application of New York Juvenile Asylum, appellant, for a writ of mandamus, John W. Keller, as commissioner of public charities in the city of New York, respondent, 172 N. Y. 50.*

NEW YORK JUVENILE ASYLUM — CHARTER PROVISION REQUIRING PAYMENT BY THE CITY AND COUNTY OF NEW YORK FOR THE SUPPORT OF INMATES NOT COMMITTED TO IT IN ACCORDANCE WITH RULES OF STATE BOARD OF CHARITIES, SUPERSEDED BY THE CONSTITUTION. The fact that the New York Juvenile Asylum, a private charitable institution, was authorized by its charter (L. 1851, ch. 332) to take under its care the management of such children as should by consent, in writing, of their parents or guardians, be voluntarily surrendered and intrusted to it, and by section 28 of chapter 245 of the Laws of 1866 might require the county of New York to pay annually a specified sum for the support of children so committed to it, which section was incorporated into the charter of Greater New York (L. 1897, ch. 378, § 230) and has not in terms been repealed, amended or modified, does not authorize the city and county of New York to pay for the support and maintenance of any inmate not received and retained therein pursuant to the rules of the State Board of Charities, since such payment is prohibited, not by the rules affecting the repeal or amendment of the statute conferring the right thereto, but by the Constitution itself, which superseded the statute and operated presently from the time the rules were established. *Id.*

Court of Appeals, October, 1902, Matter of New York Juvenile Asylum, 69 App. Div. 615, affirmed.

A conveyance of real property by a city to a charitable institution, wholly or partially under private control, for a nominal or no consideration. Held unconstitutional and void.

Such a gift, to a corporation whose purpose, as prescribed in its charter, is medical and surgical aid to persons of a certain religious denomination and other objects appertaining to hospitals and dispensaries, contravenes the provision of section 10, article VIII of the State Constitution, prohibiting a city from giving any money or property to or in aid of any individual, association or corporation, and is not saved by the proviso that such prohibition shall not prevent a city from making such provision for the aid and support of its poor as may be authorized by law, because the appropriation of the proceeds of the grant is not permanently secured for a public purpose.

Such a gift offends against section 14 of article VIII which confines gifts by a city to a charitable institution wholly or partly under private control to payments for inmates received and retained pursuant to rules established by the State Board of Charities, and does not permit a payment or transfer of property by way of endowment.

The language of section 14 of the Constitution clearly contemplates payment of money for these purposes, to be applied subject to the rules and regulations established by the Board of Charities. This is now the authority for the application of property and money in aid of private institutions that have voluntarily assumed the public obligation, and the provision is that no "payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the State Board of Charities;" thus clearly contemplating that the basis of the appropriation shall have relation to the number of inmates provided for in the particular institutions, the rate of payment being placed upon a per capita basis. *Supreme Court, March, 1904, The Mount Sinai Hospital, Respondent, v. David H. Hyman, Appellant*, 92 App. Div. 270.

§ 15. Commissioners of the state board of charities and commissioners of the state commission in lunacy, now holding office, shall be continued in office for the term for which they were appointed, respectively, unless the legislature shall otherwise provide. The legislature may confer upon the commissions and upon the board mentioned in the foregoing sections any additional powers that are not inconsistent with other provisions of the constitution.

STATUTE LAWS.

AN ACT relating to State Charities, constituting chapter 26 of the General Laws.

Chapter 546, Laws of 1896, as amended by chapters 437, Laws of 1897; 359 and 536, Laws of 1898; 368, 504 and 632, Laws of 1899; 49, Laws of 1900; 252 and 356, Laws of 1902; 473, Laws of 1903; 165, 167, 169, 453, 462 and 545, Laws of 1904; 452, 457, 458, 459 and 613, Laws of 1905; 225 and 685, Laws of 1906.

STATE CHARITIES LAW.

- Article
- I. State board of charities. (§§ 1-26.)
 - II. State charities aid association. (§§ 30-32.)
 - III. Regulation of state charitable institutions and reports to and accounts against municipalities. (§§ 40-53.)
 - IV. Syracuse state institution for feeble-minded children. (§§ 60-70.)
 - V. State custodial asylum for feeble-minded women. (§§ 80-83.)
 - VI. Rome state custodial asylum. (§§ 90-94.)
 - VII. The Craig colony for epileptics. (§§ 100-115.)
 - VIII. Institutions for juvenile delinquents. (§§ 120-139c.)
 - IX. Houses of refuge and reformatories for women. (§§ 140-153.)
 - X. The Thomas Indian school. (§§ 160-165.)
 - XI. Laws repealed; when to take effect. (§§ 170-171.)

ARTICLE I.

STATE BOARD OF CHARITIES.

- Section
- 1. Short title.
 - 2. Definitions.
 - 3. State board of charities.
 - 4. Officers of the board.
 - 5. Compensation and expenses of commissioners.
 - 6. Meetings and effect of nonattendance.

Section 7. Office room and supplies.

8. Official seal, certificates and subpoenas.
9. General powers and duties of board.
10. Visitations, inspection and supervision of institutions
11. Powers and duties of board on visits and inspections.
12. Investigations of institutions.
13. Orders of board directed to institutions.
14. Correction of evils in administration of institutions.
15. Duties of the attorney-general and district attorneys.
16. State, nonresident and alien poor.
17. Reports of state board of charities.
18. Institutions for the deaf and dumb and the blind.
19. What is a dispensary?
20. Licensing of dispensaries by the state board of charities.
21. Rules and regulations.
22. Revocation of licenses.
23. Drug store or tenement house not to be used by dispensary; unlawful display of signs.
24. Penalty for violation.
25. False representations.
26. Acts repealed.
27. Time to take effect.

Section 1. Short title.—This chapter shall be known as the state charities law.

§ 2. Definitions.—The term state charitable institutions, when used in this chapter, shall include all institutions of a charitable, eleemosynary, correctional or reformatory character, supported in whole or in part by the state, except institutions for the instruction of the deaf and dumb and the blind and such institutions which, by section eleven, article eight of the constitution, are made subject to the visitation and inspection of the commission in lunacy or the prison commission, whether managed or controlled by the state or by private corporations, societies or associations.

§ 3. State board of charities.—There shall continue to be a state board of charities, composed of twelve members, who shall be appointed by the governor, by and with the advice and consent of the senate, one of whom shall be appointed from and reside in

each judicial district of the state, one additional member from the county of Kings, and three additional members from the county of New York, who shall respectively reside in such counties. They shall be known as commissioners of the state board of charities, and hold office for eight years. No commissioner shall qualify or enter upon the duties of his office, or remain therein, while he is a trustee, manager, director or other administrative officer of an institution subject to the visitation and inspection of such board. The commissioners in office at the time this chapter takes effect, shall continue in office for the terms for which they were respectively appointed. (*As amended by chapter 437 of the Laws of 1897.*)

§ 4. Officers of the board.—The board may elect a president, and vice-president from its own members, and shall appoint and continue to have a secretary, and may appoint such other officers, inspectors and clerks as it may deem necessary or proper and fix their compensation, who shall respectively hold their office during the pleasure of the board.

§ 5. Compensation and expenses of commissioners.—The compensation of each commissioner, in recognition of the provisions of the constitution, is fixed at ten dollars for each day's attendance at meetings of the board or of any of its committees, not exceeding in any one year the sum of five hundred dollars. The expenses of each commissioner, necessarily incurred while engaged in the performance of the duties of his office, and his outlay for any assistance that may have been required in the performance of such duties, on the same being paid out and certified by the commissioner making the charge, shall be paid by the treasurer, on the warrant of the comptroller.

§ 6. Meetings and effect of non-attendance.—The board may adopt rules and orders, regulating the discharge of its functions and defining the duties of its officers. It shall, by rule, provide for holding stated and special meetings. Six members regularly convened shall constitute a quorum. The failure on the part of any commissioner to attend three consecutive meetings of the board during any calendar year, unless excused by a formal vote of the board, may be treated by the governor as a resignation by such non-attending commissioner and the governor may

appoint his successor. The annual reports of the board shall give the names of commissioners present at each of its meetings.

§ 7. Office room and supplies.—The trustees of public buildings shall furnish and assign to such board, in the capitol, at Albany, suitably furnished rooms for its office and place of holding meetings, and the comptroller shall furnish it with all necessary journals, account books, blanks and stationery.

§ 8. Official seal, certificates and subpoenas.—The board shall cause a record to be kept of its proceedings by its secretary or other proper officer, and it shall have and use an official seal; and the records, its proceedings and copies of all papers and documents in its possession and custody may be authenticated in the usual form, under such seal and the signature of its president or secretary, and shall be received in evidence in the same manner and with like effects as deeds regularly acknowledged or proven; it may issue subpoenas, which, when authenticated by its president and secretary, shall be obeyed and enforced in the same manner as obedience is enforced to an order or mandate made by a court of record.

§ 9. General powers and duties of board.—The state board of charities shall visit, inspect and maintain a general supervision of all institutions, societies or associations which are of a charitable, eleemosynary, correctional or reformatory character, whether state or municipal, incorporated or not incorporated, which are made subject to its supervision by the constitution or by law; and shall,

1. Aid in securing the just, humane and economic administration of all institutions subject to its supervision.
2. Advise the officers of such institutions in the performance of their official duties.
3. Aid in securing the erection of suitable buildings for the accommodation of the inmates of such institutions aforesaid.
4. Approve or disapprove the organization and incorporation of all institutions of a charitable, eleemosynary, correctional or reformatory character which are or shall be subject to the supervision and inspection of the board.
5. Investigate the management of all institutions made subject to the supervision of the board, and the conduct and efficiency

of the officers or persons charged with their management, and the care and relief of the inmates of such institutions therein or in transit.

6. Aid in securing the best sanitary condition of the buildings and grounds of all such institutions, and advise measures for the protection and preservation of the health of the inmates.

7. Aid in securing the establishment and maintenance of such industrial, educational and moral training in institutions having the care of children as is best suited to the needs of the inmates.

8. Establish rules for the reception and retention of inmates of all institutions which, by section fourteen of article eight of the constitution, are subject to its supervision.

Court of Appeals, October, 1902, People ex rel. Inebriates' Home for Kings County v. Comptroller of the City of Brooklyn, 152 N. Y. 399. Court of Appeals, October, 1897, People ex rel. New York Institution for the Blind v. Comptroller of the City of New York, 154 N. Y. 14. Court of Appeals, October, 1902, in re application of the New York Juvenile Asylum, appellant, for a writ of mandamus, John W. Keller, as commissioner of public charities in the city of New York, respondent, 172 N. Y. 50. For notes on these cases see pages 8, 9, 10, 11 and 12.

9. Investigate the condition of the poor seeking public aid and advise measures for their relief.

10. Administer the laws providing for the care, support and removal of state and alien poor and the support of Indian poor persons.

11. Collect statistical information in respect to the property, receipts and expenditures of all institutions, societies and associations subject to its supervision, and the number and condition of the inmates thereof, and of the poor receiving public relief. (*Subdivision 12, repealed by chapter 252 of the Laws of 1902.*)

§ 10. Visitation, inspection and supervision of institutions.—All institutions of a charitable, eleemosynary, reformatory or correctional character or design, including reformatories (except those now under the supervision and subject to the inspection of the prison commission), but including all reformatories, except those in which adult males convicted of felony shall be confined, asylums and institutions for idiots and epileptics, almshouses, orphan asylums, and all asylums, hospitals and institutions, whether state, county, municipal, incorporated or not incorporated, private or otherwise, except institutions for the custody,

care and treatment of the insane, are subject to the visitation, inspection and supervision of the state board of charities, its members, officers and inspectors. Such institutions may be visited and inspected by such board, or any member, officer or inspector duly appointed by it for that purpose, at any and all times.

Court of Appeals, January, 1900, People ex rel. State Board of Charities v. New York Society for the Prevention of Cruelty to Children, 161 N. Y. 233; April, 1900, 162 N. Y. 429; also Court of Appeals, February, 1901, Fox v. Mohawk and Hudson River, Humans Society, 165 N. Y. 517. For notes on these cases see pages 6 and 7.

Such board or any member thereof may take proofs and hear testimony relating to any matter before it, or before such member, upon any such visit or inspection.

Any member or officer of such board, or inspector duly appointed by it, shall have full access to the grounds, buildings, books and papers relating to any such institution, and may require from the officers and persons in charge thereof, any information he may deem necessary in the discharge of his duties. The board may prepare regulations according to which, and provide blanks and forms upon which, such information shall be furnished, in a clear, uniform and prompt manner, for the use of the board. No such officer or inspector shall divulge or communicate to any person without the knowledge and consent of said board any facts or information obtained pursuant to the provisions of this act; on proof of such divulgement or communication such officer or inspector may at once be removed from office. The annual reports of each year shall give the results of such inquiries, with the opinion and conclusions of the board relating to the same. Any officer, superintendent or employe of any such institution, society or association who shall unlawfully refuse to admit any member, officer or inspector of the board, for the purpose of visitation and inspection, or who shall refuse or neglect to furnish the information required by the board or any of its members, officers or inspectors, shall be guilty of a misdemeanor, and subject to a fine of one hundred dollars for each such refusal or neglect. The right and powers hereby conferred may be enforced by an order of the supreme court after notice and hearing, or by indictment by the grand jury of the county or both.

§ 11. Powers and duties of the board on visits and inspections.

—On such visits, inquiry shall be made to ascertain:

1. Whether all parts of the state are equally benefited by the institutions requiring state aid.

2. The merits of any and all requests on the part of any such institution for state aid, for any purpose, other than the usual expenses thereof; and the amount required to accomplish the object desired.

3. The sources of public moneys received for the benefit of such institution, as to the proper and economical expenditure of such moneys and the condition of the finances generally.

4. Whether the objects of the institution are being accomplished.

5. Whether the laws and the rules and regulations of this board, in relation to it, are fully complied with.

6. Its methods of industrial, educational and moral training, if any, and whether the same are best adapted to the needs of its inmates.

7. The methods of government and discipline of its inmates.

8. The qualifications and general conduct of its officers and employes.

9. The condition of its grounds, buildings and other property.

10. Any other matter connected with or pertaining to its usefulness and good management.

§ 12. Investigations of institutions.—The board may direct an investigation, by a committee of one or more of its members, of the affairs and management of any institution, society or association, subject to its supervision, or of the conduct of its officers and employes. The commissioner or commissioners designated to make such investigation are hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same powers in respect to such proceeding as belong to referees appointed by the supreme court.

§ 13. Orders of board directed to institutions.—If it shall appear, after such investigation, that inmates of the institution are cruelly, negligently or improperly treated, or inadequate provision is made for their sustenance, clothing, care, supervision, or

other condition necessary to their comfort and well being, said board may issue an order, in the name of the people, and under its official seal, directed to the proper officers or managers of such institution, requiring them to modify such treatment or apply such remedy, or both, as shall therein be specified; before such order is issued, it must be approved by a justice of the supreme court, after such notice as he may prescribe and an opportunity to be heard, and any person to whom such an order is directed who shall willfully refuse to obey the same, shall, upon conviction, be adjudged guilty of a misdemeanor.

§ 14. Correction of evils in administration of institutions.—The state board of charities shall call the attention of the trustees, directors or managers of any such institution, society or association, subject to its supervision, to any abuses, defects or evils which may be found therein, and such officers shall take proper action thereon, with a view to correcting the same, in accordance with the advice of such board.

§ 15. Duties of the attorney-general and district attorneys.—If, in the opinion of the board or any three members thereof, any matter in regard to the management or affairs of any such institution, society or association, or any inmate or person in any way connected therewith, require legal investigation or action of any kind, notice thereof may be given by the board, or any three members thereof, to the attorney-general, and he shall thereupon make inquiry and take such proceedings in the premises as he may deem necessary and proper. It shall be the duty of the attorney-general and of every district attorney when so required to furnish such legal assistance, counsel or advice as the board may require in the discharge of its duties.

§ 16. State, non-resident and alien poor.—A poor person shall not be admitted as an inmate into a state institution for the feeble-minded, or epileptics, unless a resident of the state for one year next preceding the application for his admission.

The state board of charities, and any of its members or officers, may, at any time, visit and inspect any institution subject to its supervision to ascertain if any inmates supported therein at a state, county or municipal expense are state charges, non-residents, or alien poor; and it may cause to be removed to the state

or county from which he came any such non-resident or alien poor found in any such institution.

§ 16-a. Transfers of inmates of state charitable institutions.—When in the judgment of the state board of charities, any inmate of any state charitable institution more properly belongs in a state charitable institution other than the one to which he or she was originally committed, or would be benefited by transfer to any other state charitable institution, the state board of charities with the written approval of the governor may order such transfer of such inmate. Before issuing such order the state board of charities shall notify the board of managers of the institution from which and of the institution to which such transfer is to be made, and shall afford them an opportunity to be heard. Copies of such order shall be sent to the boards of managers and the superintendents of the institution where the inmate then is and of the institution to which he or she is to be transferred. The authorities of the institution to which such inmate is to be transferred shall at the expense of such institution, provide for the conveyance of such inmate from such other state charitable institution as may be designated by the state board of charities in such order, and such inmate shall be received by the authorities of the institution to which such transfer is made. When any inmate is so transferred there shall be furnished certified copies of the commitment papers and of the record of such inmate. The board of managers of the institution to which such inmate is transferred shall have all the powers and duties in relation to such inmate, which it possesses in relation to other inmates of such institution. (*As added by chapter 452 of the Laws of 1905.*)

§ 17. Reports of state board of charities.—The state board of charities shall annually report to the legislature its acts, proceedings and conclusions for the preceding year, with results and recommendations, which report shall include the information obtained in its inquiries and investigations, and from the reports made to it as in this chapter provided, giving a complete and itemized statement of expenditures for state poor, and of such other matters relating to the institutions subject to its visitations, as it may deem necessary or proper. The board shall collect, and so far as it shall deem advantageous, embody in its

annual reports, such information as it may deem proper relating to all institutions, subject to the visitation of the board and respecting the best manner of dealing with those who require assistance from the public funds, or who receive aid from private charity; and represent its views as to the best methods of caring for the poor and destitute children who may be distributed through the various institutions of the state, or who may be without instruction or guidance, and furnish in tabulated statements, as nearly as possible, the number, sex, age and nativity of persons in this state, and in the several counties thereof, who are in any way receiving the aid of public, private or organized charity, with any other particulars it may deem proper. And all officers of such institutions shall furnish such statistics on or before the first day of November, in each and every year for the preceding fiscal year, as may be required by said board; and every person refusing to do so, in violation of this section without reasonable excuse, shall be subject to a penalty of one hundred dollars, to be sued for in the name of the people by the attorney-general of the state, upon his receiving written notice from the state board of charities of such refusal. The annual reports of the board may, in its discretion, present the designs and plans and the general estimates for buildings and improvements, which it may deem necessary for any state charitable institution, with the opinion of the board respecting any appropriation required as asked in behalf of such institution, other than for maintenance or ordinary purposes. The board may, in its discretion, and shall, when required by the governor, or either house of the legislature, make other and special reports.

§ 18. Institutions for the deaf and dumb and the blind.—Institutions for the deaf and dumb and the blind shall be subject to such visitation and inspection by the state board of charities as the constitution provides, but nothing in this article shall be deemed to take from the comptroller of the state any power which he now has to audit and supervise the expenditures made on account of the institutions for deaf-mutes and for the blind.

It is not necessary that an institution should be wholly charitable to fall within the provisions of the Constitution (article 8, §§ 11-15) and the statutes (Laws 1895, chapters 754, 771) placing charitable institutions under the supervision and rules of the State Board of Charities. It is enough

if the institution is partly charitable in its character and purpose. *Court of Appeals, October, 1897, People ex rel. New York Institution for the Blind v. Fitch, 164 N. Y. 14.*

(Sections 19 to 27 added by chapter 368 of the Laws of 1899.)

§ 19. What is a dispensary?—For the purposes of this act, a dispensary is declared to be any person, corporation, institution, association, or agent, whose purpose it is, either independently or in connection with any other purpose, to furnish, at any place or places, to persons non-resident therein, either gratuitously or for a compensation determined without reference to the value of the thing furnished medical or surgical advice or treatment, medicine or apparatus, provided, however, that the moneys used by and for the purposes of said dispensary shall be derived wholly or in part from trust funds, public moneys, or sources other than the individuals constituting said dispensary and the persons actually engaged in the distribution of charities of said dispensary.

§ 20. Licensing of dispensaries by the state board of charities.—A license may be issued by the state board of charities to a dispensary, as provided in this section. An application in writing for such license shall be made to such board in the form and manner prescribed by it, which shall be uniform for all schools of medicine. There shall be attached to such application a statement, verified by the oath of the applicant, containing such facts as the board may require. If, in the judgment of such board, the statement filed, and other evidence submitted in relation to such application, indicate that the operations of such dispensary will be for the public benefit, a license shall be issued to the dispensary applying therefor. The form of such license shall be prescribed by the board. A dispensary shall not enter upon the execution, or continue the prosecution of its purpose unless licensed by the state board of charities, as provided in this act. A license shall be issued, on application, to all dispensaries legally incorporated, and to unincorporated dispensaries conducted in connection with incorporated institutions at the time of the passage of this act.

§ 21. Rules and regulations.—The state board of charities shall make rules and regulations, and alter or amend the same, in accordance with which all dispensaries shall furnish and applicants obtain medical or surgical relief, advice or treatment, medi-

cine or apparatus. But such rules and regulations shall not in any case specify the particular school of medicine in accordance with which a dispensary shall manage or conduct its work or determine the kind of medical or surgical treatment to be provided by any dispensary.

§ 22. Revocation of licenses.—The state board of charities or any of its members may at any and all times visit and inspect licensed dispensaries. They may examine all matters in relation to such dispensaries, and ascertain how far they are conducted in compliance with this law and the rules and regulations of the board. After due notice to a dispensary, and opportunity for it to be heard, the board may, if public interest demands, and for just and reasonable cause, revoke a license by an order signed and attested by the president and secretary of the board. Such order shall state the reason for revoking such license, and shall take effect within such time after the service thereof upon the dispensary as the board shall determine. The said board is hereby directed to apply to the supreme court to revoke the license and annul the incorporation of any dispensary legally incorporated, or conducted in connection with an incorporated institution at the time of the passage of this act, for wilful violation of the rules and regulations made by said board.

§ 23. Drug store or tenement house not to be used by dispensary; unlawful display of signs.—After the taking effect of this act, no dispensary shall make use of any place commonly known as a drug store, or any place or building defined by law or by an ordinance of the board of health as a tenement house; nor after such time shall any person, corporation, institution, society, association, or agent thereof, except a duly licensed dispensary, display or cause to be displayed a sign or other thing which could directly or indirectly or by suggestion indicate the existence of the equivalent, in purpose and effect, of a dispensary.

§ 24. Any person who wilfully violates any of the provisions of this act, or any of the rules and regulations made and published under the authority of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than ten dollars and not more than two hundred and fifty dollars.

§ 25. Any person who obtains medical or surgical treatment on false representations from any dispensary licensed under the

provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars and not more than two hundred and fifty dollars.

§ 26. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

ARTICLE II.

STATE CHARITIES AID ASSOCIATION.

Section 30. Visits by the state charities aid association.

31. Duties of officers in charge of institutions; enforcement of orders.

32. Annual reports.

Section 30. Visits by the state charities aid association.—Any justice of the supreme court, on written application of the state charities aid association, through its president or other officer designated by its board of managers, may grant to such person as may be named in such application, orders to enable such persons, or any of them, as visitors of such association to visit, inspect and examine, in behalf of such association any of the public charitable institutions and state hospitals for the insane owned by the state, and the county, town and city poorhouses and almshouses within the state. The persons so appointed to visit, inspect and examine such institutions shall reside in the counties from which such institutions receive their inmates, and such appointments shall be made by a justice of the supreme court of the judicial district in which such visitors reside. Each order shall specify the institution to be visited, inspected and examined and the name of each person by whom such visitation, inspection and examination shall be made, and shall be in force for one year from the date on which it shall have been granted, unless sooner revoked.

§ 31. Duties of officers in charge of institutions; enforcement of orders.—All persons in charge of any such institution shall admit each person named in any such order into every part of such institution, and render such person every possible facility to enable him to make in a thorough manner such visits, inspection and examination, which are hereby declared to be for a public purpose, and to be made with a view to public benefit.

Obedience to the orders herein authorized shall be enforced in the same manner as obedience is enforced to an order or mandate by a court of record.

§ 32. Annual reports.—Such association shall make an annual report to the state board of charities upon matters relating to the institutions subject to the visitation of such board; and to the state commission in lunacy upon matters relating to the institutions subject to the inspection and control of such commission. Such reports shall be made on or before the first day of November for each preceding fiscal year.

ARTICLE III.

REGULATION OF STATE CHARITABLE INSTITUTIONS AND REPORTS TO AND ACCOUNTS AGAINST MUNICIPALITIES.

Section 40. Fiscal supervisor of state charities.

41. Office and clerical force of fiscal supervisor.
42. Powers and duties of fiscal supervisor.
43. Removals by governor.
44. Fiscal year.
45. Monthly estimates of expenses; contingent fund.
46. Monthly statement of receipts and expenditures.
47. Affidavit of steward; vouchers.
48. Purchases.
49. Plans and specifications; contracts.
50. Visitations and reports by managers or trustees.
51. Reports to supervisors of appointments and committals to charitable institutions.
52. Reports by officers of certain institutions to clerks of supervisors and cities.
53. Verified accounts against counties, cities and towns.

Section 40. Fiscal supervisor of state charities.—The office of fiscal supervisor of state charities is hereby created. On or before April fifteenth, nineteen hundred and two, the governor shall appoint, by and with the advice and consent of the senate, a fiscal supervisor of state charities. A successor to such supervisor shall be appointed in like manner. The term of office of the fiscal supervisor of state charities shall be five years, and he shall be paid by the state an annual salary of six thousand

dollars, and his actual and necessary expenses. If a vacancy shall occur, otherwise than by expiration of term, in the office of fiscal supervisor of state charities, a fiscal supervisor of state charities shall be appointed in the manner provided by this section for the unexpired term of his predecessor. (*Added by chapter 252 of the Laws of 1902.*)

§ 41. Office and clerical force of fiscal supervisor.—The fiscal supervisor of state charities shall be provided by the proper authorities with a suitably furnished office in the state capitol. He may employ a secretary, a stenographer and such other employes as may be needed. The salaries and reasonable expenses of the fiscal supervisor and the necessary clerical assistants shall be paid by the treasurer of the state, on the warrant of the comptroller, out of any moneys appropriated therefor. (*Added by chapter 252 of the Laws of 1902.*)

§ 42. Powers and duties of fiscal supervisor.—The fiscal supervisor shall, as to the state charitable institutions, the New York state school for the blind and the Elmira reformatory;

1. Visit each of such institutions at least twice in each calendar year.

2. Examine into the condition of all buildings, grounds and other property connected with any such institution, and into all matters relating to its financial management, and for such purpose he shall have free access to the grounds, buildings, and all books, papers, property and supplies of any such institution; and all persons connected with any such institution shall give such information and afford such facilities for such examination or inquiry as the supervisor may require.

3. Appoint, in his discretion, a competent person to examine the books, papers and accounts of any institution to the extent deemed necessary.

4. Annually report to the legislature his acts and proceedings for the year ending September thirtieth last preceding, with such facts in regard to the condition of the buildings, grounds and property, and the financial management of the state charitable institutions, the New York state school for the blind and the Elmira reformatory as he may deem necessary for the information of the legislature, including estimates of the amounts

required for the use of such institutions and the reasons therefor. The fiscal supervisor shall also on the first days of January and July in each year report to the governor the condition of the buildings, grounds and property on such date, together with such suggestions in regard to the financial management of such institutions as he deems proper. He shall also, on request of the governor or of any committee of either house of the legislature, make a special report in relation to the condition of the buildings, grounds and property, or the financial management of such institutions, or of any of them. (*Added by chapter 252 of the Laws of 1902.*)

§ 43. Removals by governor.—A fiscal supervisor of state charities, or the superintendent or the steward of any institution, subject to the provisions of this article, may be removed by the governor for cause, an opportunity having been given him to be heard in his defense. (*Added by chapter 252 of the Laws of 1902.*)

§ 44. Fiscal year.—The fiscal year of all state charitable institutions, of the New York state school for the blind and of the Elmira reformatory shall commence with the first day of October in each year, and close with the thirtieth day of September, next succeeding; and the annual reports of such institutions required by this chapter, shall be made for the fiscal year as herein named, and copies thereof shall be filed with the fiscal supervisor on or before the first day of December in each year, and on or before the twentieth day of October in each year there shall be filed with the fiscal supervisor copies of the inventories of supplies for maintenance and property on hand at the close of the last fiscal year. (*As amended by chapter 252 of the Laws of 1902 and chapter 473 of the Laws of 1903.*)

§ 45. Monthly estimates of expenses; contingent fund.—The superintendent or other managing officer of each of the state charitable institutions, of the New York state school for the blind at Batavia and of the Elmira reformatory shall, on or before the fifteenth day of each month, cause to be prepared triplicate estimates in minute detail, of the expenses required for the institution of which he has the supervision, for the ensuing month. He shall countersign and submit two of such triplicates to the fiscal supervisor, and retain the other to be placed

on file in the office of the institution. The fiscal supervisor may cause such estimates to be revised either as to quantity or quality of supplies and the estimated cost thereof, and shall certify that he has carefully examined the same and that the articles contained in such estimate, as approved or revised by him, are actually required for the use of the institution, and shall thereupon present such estimate and certificate to the comptroller. Upon the revision and approval of such estimate, the comptroller shall authorize the boards of managers, trustees or other managing officers of such institutions to make drafts on him, as the money may be required for the purposes mentioned in such estimates, which drafts shall be paid on his warrant, out of the funds in the treasury of the state appropriated for the support of such institutions. In every such estimate, there shall be a sum named, not to exceed two hundred and fifty dollars, as a contingent fund, for which no minute detailed statement need be made. No expenditures shall be made from such contingent fund, except in case of actual emergency, requiring immediate action, and which can not be deferred without loss or danger to the institution, or the inmates thereof. The treasurer of any such institution shall not pay accounts for goods furnished, salaries of officers or employes, unless they are contained in the estimate provided in this section, and duly approved by the fiscal supervisor. Nor shall the treasurer of any institution named or referred to in this section pay accounts for supplies furnished to officers and employes unless the same be drawn from the ordinary supplies provided for the general use of the institution. No persons, other than the officers and employes of such institutions, and the families of the superintendents, medical officers, adjutants, quartermasters or stewards, necessarily residing therein, shall be allowed rooms and maintenance, except at a rate fixed by the state comptroller and the fiscal supervisor with the approval of the governor. The officers and employes in the office of the state comptroller on April first, nineteen hundred and two, performing duties under section forty-one of the state charities law, in relation to the estimates of the state charitable institutions, of the New York state school for the blind, and of the Elmira reformatory are hereby continued in office

and transferred to the office of the fiscal supervisor subject to his direction and control. (*As amended by chapter 252 of the Laws of 1902.*)

§ 46. Monthly statements of receipts and expenditures.—The treasurer of each state charitable institution, of the New York state school for the blind and of the Elmira reformatory shall, on or before the fifteenth day of each month, make to the fiscal supervisor a full and perfect statement of all the receipts and expenditures, specifying the several items, for the last preceding calendar month. Such statement shall be verified by the affidavit of the treasurer attached thereto, in the following form: I,.....treasurer of the.....do solemnly swear that I have deposited in the bank designated by law for such purpose all the moneys received by me on account of such.....during the last month; and I do further swear that the foregoing is a true abstract of all the moneys received, and expenditures made by me or under my direction as such treasurer during the month ending on the.....day ofnineteen.....(*As amended by chapter 252 of the Laws of 1902.*)

§ 47. Affidavit of steward; vouchers.—There shall be attached to such treasurer's statement, the affidavit of the steward or other officer having like powers, to the effect that the goods and other articles therein specified were purchased and received by him or under his direction at the institution, that the goods were purchased at a fair cash market price and paid for in cash, and that he or any person in his behalf had no pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the way of commission, percentage, deductions or presents, or in any other manner whatever, directly or indirectly; that the articles contained in such bill were received at the institution; that they conformed in all respects to the invoiced goods received and ordered by him, both in quality and quantity. Such statement shall be accompanied by the voucher showing the payment of the several items contained in the statement, the amount of such payment and for what the payment was made. Such vouchers shall be examined by the fiscal supervisor and compared with the estimates made for the month for

which the statement is rendered, and if found correct shall be endorsed and forwarded by the fiscal supervisor, with the statement, to the comptroller, who shall have the power of final audit in accordance with the estimate. If any voucher is found objectionable, the fiscal supervisor or the comptroller shall endorse his disapproval thereon, with the reason therefor, and return it to the treasurer, who shall present it to the board of managers for correction and immediately return it. All vouchers shall be filed in the office of the comptroller. (*As amended by chapter 252 of the Laws of 1902.*)

§ 48. Purchases.—All purchases for the use of the state charitable institutions, of the New York state school for the blind or of the Elmira reformatory shall be made for cash or on credit or time not exceeding thirty days; every voucher shall be duly filled up, and with every abstract of vouchers paid, there shall be proof on oath that the voucher was properly filled up and the money paid. The board of managers or trustees shall make all needful rules and regulations to enforce the provisions of this section. The fiscal supervisor, a member or officer of the state board of charities or manager or officer of any such institution, shall not be interested, directly or indirectly, in the furnishing of materials, labor or supplies for the use of any such institutions nor shall any manager or trustee act as attorney or counsel for the board of managers or trustees thereof. Such contracts shall not be let except in conformity with the provisions of this act in relation to estimates. All goods for the use of such institutions except those furnished pursuant to law by some other institution of the state shall be bought, as far as practicable, of manufacturers or their immediate agents. All contracts, if let, shall, subject to the provisions of this article relating to estimates, be awarded to the lowest responsible bidder. Each of such institutions may manufacture such supplies and materials to be used in the institution as can be economically made therein. Between the first day of July and the thirtieth day of September in each year the fiscal supervisor shall call the superintendents of the state charitable institutions, the Elmira reformatory and the New York state school for the blind to meet at his office in Albany. The fiscal supervisor shall notify the president of the board of managers or trustees of each state charitable institution and of the Elmira

reformatory and the New York state school for the blind, at least ten days in advance, of such meeting of the superintendents, and each such president may designate a member of the board of managers or trustees of which he is president to attend such meeting as a representative of such boards. The necessary traveling expenses of a manager or trustee in attendance upon such meeting shall be paid in the same manner as the traveling expenses of managers or trustees when in attendance upon meetings of boards of managers or trustees. The superintendent and managers or trustees present at such meeting shall consider, and shall determine, subject to the power granted to the fiscal supervisor in section forty-five of this article, the following matters:

1. Which articles of supplies it is practicable to purchase for all the state charitable institutions, the New York state school for the blind and the Elmira reformatory, or some of them, by joint contracts.

2. The specifications for articles of supplies to be purchased by joint contracts.

3. The provisions of the contracts under which articles of supplies are to be purchased jointly.

At such meetings of superintendents and managers or trustees there shall be designated by those present a purchasing committee, to consist of not more than six superintendents, who shall serve as such purchasing committee until the next annual meeting of superintendents and managers or trustees. Such meeting of superintendents and managers or trustees may refer to such purchasing committee any matters which might be considered and determined by such meeting of superintendents and managers or trustees. Such purchasing committee shall meet whenever so requested by the fiscal supervisor, and shall possess the same powers as the annual meeting of superintendents and managers or trustees, provided for in this section. Such purchasing committee may also consider proposals and make awards under joint contracts for the purchase of staple articles of supplies for some or all of the state charitable institutions, the Elmira reformatory and the New York state school for the blind, and shall appoint a committee of two to execute joint contracts in accordance with such awards, subject to the approval of the fiscal supervisor. All powers conferred in this section upon the annual meeting of

superintendents and managers or trustees, and upon the purchasing committee, shall be exercised subject to the powers now possessed by, or hereafter conferred upon, the fiscal supervisor of state charities. (*As amended by chapter 252 of the Laws of 1902, chapter 473 of the Laws of 1903 and chapter 457 of the Laws of 1905.*)

§ 49. Plans and specifications, contracts, special orders, orders for extra work, special fund estimates, payments.—The governor, the president of the state board of charities, and the fiscal supervisor, or a majority of such officers, shall approve or reject plans and specifications for the erection, alteration, repairs or improvements of buildings or plant for any state charitable institution or for the New York state school for the blind; and no such erection, alteration, repairs or improvements shall be made until the plans and specifications therefor have been so approved. Contracts for such work of erection, alteration, repairs or improvements may be let by the board of managers or trustees, with the approval of the governor, the president of the state board of charities and the fiscal supervisor, or a majority of such officers, for the whole or any part of the work to be performed, and, in the discretion of the managers or trustees, and, subject to such approval, such contracts may be sublet. Special orders for such work in amounts less than one thousand dollars may be issued by the state architect upon authorization by the board of managers or trustees, subject to the approval of the fiscal supervisor. Copies of all such contracts and special orders shall be filed with the fiscal supervisor, with the comptroller, and with the board of managers or trustees. The fiscal supervisor and the board of managers or trustees shall determine to what extent and for what length of time advertisements are to be inserted in newspapers for proposals for the erection, alteration, repairs or improvements of buildings or plant of state charitable institutions, the New York state school for the blind or the Elmira reformatory. A preliminary deposit or certified check drawn upon some legally incorporated bank or trust company of this state shall in all cases be required as an evidence of good faith, upon all proposals from contractors for such work, to be deposited with the superintendent of the institution for

which the work is to be performed, in an amount to be determined by the state architect. All such contracts and special orders for the erection, alteration, repairs or improvements of buildings or plant of state charitable institutions, the New York state school for the blind or the Elmira reformatory shall contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the state beyond the moneys available for the purpose. All contracts in an amount greater than one thousand dollars shall have the performance thereof secured by sufficient bond or bonds, to be approved by and filed with the comptroller. All work done by special orders in an amount less than one thousand dollars need have no surety bond provided payment is to be made only after the work is completed and approved. The work of erection, alteration, repairs or improvements of buildings or plant of state charitable institutions, the New York state school for the blind and the Elmira reformatory, may be done by the employment of inmate or outside labor, either or both, and by the purchase of materials in the open market whenever, in the opinion of the fiscal supervisor and state architect, such course shall be more advantageous to the state. No compensation shall be allowed for the employment of inmate labor. Where money is appropriated for any specific purpose other than for maintenance, and the work, materials, furniture, apparatus or other supplies are not to be performed or purchased pursuant to contract or special order duly made therefor, such money shall be expended pursuant to special fund estimates made to the fiscal supervisor by the board of managers or trustees of the institution for which such appropriation is made. The provisions of this article relating to the estimates of the expense required for state charitable institutions, for the New York state school for the blind and the Elmira reformatory, shall apply to such estimates; and when such work is to be performed in accordance with plans and specifications prepared by the state architect or is to be paid for from appropriations for the erection, alteration, repairs or improvements of buildings or plant, such estimates shall also be subject to his approval. Except as above specified all such work shall be done by contract or special order. The form of the contract or special order shall be prescribed by the state architect. All pay-

ments on contracts, special orders and special fund estimates shall be made on the certificate of the state architect and the voucher of the board of managers or trustees as the work progresses or the purchase of material is made, and upon bills duly certified, rendered and audited and approved by the fiscal supervisor. No item of an appropriation made for the performance of such work shall be available, except for advertising, unless one or more contracts, special orders or special fund estimates shall first have been made for the completion of such work within the appropriation therefor. If an appropriation be made for the erection, alteration, repairs or improvements of buildings or plant, at a state charitable institution, the New York state school for the blind or the Elmira reformatory, in an appropriation act specifying two or more objects for which the appropriation shall be applied, and any one of such objects shall have been accomplished for a less sum than the amount specified in the act, the unexpended balance shall be applicable to the completion of any other work specified in the act,—if, after due advertisements, no bids shall have been received within the amount specifically appropriated therefor. Each original bid, with an abstract thereof shall accompany the copy of the contract or special order which is to be filed with the comptroller. (*As amended by chapter 252 of the Laws of 1902, chapter 473 of the Laws of 1903, and chapter 457 of the Laws of 1905.*)

§ 50. Visitations and reports by managers or trustees.—The board of managers or trustees of each of the state charitable institutions, and of the New York state school for the blind, in addition to their other duties now required by law, shall, by a majority of its members, visit and inspect the institution for which it is appointed at least monthly, and shall make a written report to the governor, the state board of charities and the fiscal supervisor within ten days after each visitation, to be signed by each member making such visitation. Such reports shall state in detail the condition of the institution visited and of its inmates, and such other matters pertaining to the management and affairs thereof as in the opinion of the board should be brought to the attention of the governor, the state board of charities or the fiscal supervisor of state charities, and may contain recommendations as to needed improvements in the institution or its management. The state

board of managers of reformatories shall meet monthly at some one of the institutions under its management and shall at least monthly visit and inspect each such institution either by a majority of said board or a committee of its members, and shall make a like report to the governor, the state commission of prisons, and the fiscal supervisor. (*As amended by chapter 252 of the Laws of 1902, and by chapter 473 of the Laws of 1903, and chapter 685 of the Laws of 1906.*)

§ 51. Reports to supervisors of appointments and committals to charitable institutions.—Every judge, justice, superintendent or overseer of the poor, supervisor or other person who is authorized by law to make appointments or commitments to any state charitable institution, except almshouses, in which the board, instruction, care or clothing is a charge against any county, town or city, shall make a written report to the clerk of the board of supervisors of the county, or of the county in which any town is situated, or to the city clerk of any city, which are liable for any such board, instruction, care or clothing, within ten days after such appointment or commitment, and shall therein state, when known, the nationality, age, sex and residence of each person so appointed or committed and the length of time of such appointment or commitment. (*As amended by chapter 252 of the Laws of 1902.*)

§ 52. Reports by officers of certain institutions to clerks of supervisors and cities.—The keeper, superintendent, secretary, director or other proper officer of a state charitable institution to which any person is committed or appointed, whose board, care, instruction, tuition or clothing shall be chargeable to any city, town or county, shall make a written report to the clerk of such city or to the clerk of the board of supervisors of the county, or of the county in which such town is situated, within ten days after receiving such person therein. Such report shall state when such person was received into the institution, and, when known, the name, age, sex, nationality, residence, length of time of commitment or appointment, the name of the officer making the same, and the sum chargeable per week, month or year for such person. If any person so appointed or committed to any such institution shall die, be removed or discharged, such officers shall immediately report to the clerk of

the board of supervisors of the county, or of the county in which such town is situated, or to the city clerk of the city from which such person was committed or appointed, the date of such death, removal or discharge. (*As amended by chapter 252 of the Laws of 1902.*)

§ 53. Verified accounts against counties, cities and towns.—The officers mentioned in the last section shall annually, on or before the fifteenth day of October, present to the clerk of the board of supervisors of the county, or of the county in which such town is situated, or to the city clerk of a city from which any such person is committed and appointed, a verified report and statement of the account of such institution with such county, town or city, up to the first day of October, and in case of a claim for clothing, an itemized statement of the same; and if a part of the board, care, tuition or clothing has been paid by any person or persons, the account shall show what sum has been so paid; and the report shall show the name, age, sex, nationality and residence of each person mentioned in the account, the name of the officer who made the appointment or commitment, and the date and length of the same, and the time to which the account has been paid, and the amount claimed to such first day of October, the sum per week or per annum charged, and if no part of such account has been paid, the report shall show such fact. Any officer who shall refuse or neglect to make such report shall not be entitled to receive any compensation or pay for any services, salary or otherwise, from any town, city or county affected thereby. The clerk of the board of supervisors who shall receive any such report or account shall file and present the same to the board of supervisors of his county on the second day of the annual meeting of the board next after the receipt of the same. (*As amended by chapter 252 of the Laws of 1902.*)

ARTICLE IV.

SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN.

Section 60. Institutions for idiots or feeble-minded children.

61. Powers and duties of boards of directors.
62. Salaries of officers.
63. Directors may hold donations in trust.
64. By-laws.

Section 65. Duties of superintendent.

66. Duties of treasurer.

67. Semi-annual meeting and records of board of directors.

68. Manner of receiving pupils.

69. Discharge of state pupils and payment of expenses.

70. Expense of clothing state pupils.

Section 60. Institution for idiots or feeble-minded children.—The management of the Syracuse State Institution for Feeble-Minded Children at Syracuse shall continue to be in a board of managers, which shall hereafter consist of the superintendent of public instruction and eight other persons, who shall continue to be appointed by the senate upon the recommendation of the governor, as often as vacancies shall occur therein, and shall hold office for eight years, and until their successors are severally appointed, subject to removal by the governor for cause, after an opportunity given them to be heard in their defense. The managers now in office shall hold their offices until the expiration of the term for which they were respectively appointed.

§ 61. General powers and duties of boards of managers.—Five members of the board shall constitute a quorum for the transaction of business. The board shall have the general direction and control of all the property and concerns of the institution, and shall take charge of its general interests and see that its general design is carried into effect, according to law and the by-laws, rules and regulations of the institution. It shall appoint a superintendent, who shall be a well-educated physician, and a treasurer, who shall reside in the city of Syracuse, and shall give an undertaking to the people of the state for the faithful performance of his trust, in such sum and with such sureties as the comptroller shall approve. Such board shall, annually, on or before the first day of February, report to the legislature the condition of the institution.

§ 62. Salaries of officers.—The board shall, from time to time, determine the annual salaries and allowances of the resident officers of the institution.

Such salaries and allowances shall be paid monthly by the treasurer of the institution in the same manner as other claims against the institution.

§ 63. Managers may hold donations in trust.—The managers may take, and hold in trust for the state, any grant or devise of land, or any donation or bequest of money or other personal property, to be applied to the maintenance and education of feeble-minded children and the general use of the institution.

§ 64. By-laws.—The managers may establish by-laws regulating the appointment and duties of officers, teachers, attendants and assistants; fixing the conditions of admission, support and discharge of pupils; and for conducting in a proper manner the business of the institution; and ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the institution.

§ 65. Duties of superintendent.—The superintendent shall be the chief executive officer of the institution. He shall, subject to the provisions of the board of managers and the by-laws and regulations established by them,

1. Have the general superintendence of the buildings, grounds and farm, with their furniture, fixtures and stock, and the direction and control of all persons employed in and about the same;

2. Appoint a steward, medical assistant and a matron, who, with the superintendent, shall constantly reside in the institution or upon premises adjoining, and shall be termed the resident officers thereof;

3. Employ such teachers, attendants and assistants as he may think proper and necessary to economically and efficiently carry into effect the design of the institution; prescribe their several duties and places, fix their compensation, and discharge any of them;

4. Give, from time to time, such orders and instructions as he may deem best calculated to induce good conduct, fidelity and economy, in any department of labor and expense.

5. Maintain salutary discipline among all who are in the employ of the institution, and enforce strict compliance with his instructions, and uniform obedience to all the rules and regulations of the institution;

6. Cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, with the condition and prospects of the pupils to be kept regularly, from day to day, in books provided for the purpose;

7. See that such accounts and records shall be fully made up to the first days of April and October in each year, and that the principal effects and results, with his report thereon, be presented to the board at its semi-annual meetings;

8. Conduct the official correspondence of the institution and keep a record of the applications received, and the pupils admitted;

9. Prepare and present to the board at its annual meetings, when required, an inventory of all the personal property and effects belonging to the institution;

10. Account, when required, for the careful keeping and economical use of all furniture, stores and other articles furnished for the institution;

11. Enter in a book to be provided and kept for that purpose, at the time of the admission of each pupil to the institution, a minute, with the date, name, residence of the pupil, and of the persons on whose application he is received; with a copy of the application, statement, certificate, and all other papers accompanying such pupil; the originals of which he shall file and carefully preserve.

§ 66. Duties of treasurer.—The treasurer shall,

1. Have the custody of all moneys, notes, mortgages and other securities and obligations belonging to the institution;

2. Keep a full and accurate account of all receipts and payments, as directed in the by-laws, and such other accounts as shall be required of him by the managers.

3. Balance all the accounts on his book on the first day of each October, and make a statement thereof, and an abstract of all the receipts and payments of the past year; and, within three days thereafter, deliver the same to the auditing committee of the managers, who shall compare the same with his books and vouchers, and verify the same by a further comparison with the books of the superintendent, and certify the correctness thereof to the managers at their annual meeting;

4. Render a quarterly statement of his receipts and payments to such auditing committee, who shall, in like manner as above compare, verify, report and certify the result thereof to the managers at their annual meeting, who shall cause the same to be recorded in one of the books of the institution;

5. Render a further account of the state of his books and of the funds and other property in his custody, whenever required by the managers;

6. Receive for the use of the institution any and all sums of money which may be due upon any notes or bonds in his hands belonging to the institution, any and all sums charged and due to the institution for the support of any pupil therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses;

7. Prosecute an action in his name as such treasurer, to recover any sum of money that may be due or owing to the institution;

8. Execute a release and satisfaction of a mortgage, judgment or other lien, in favor of the institution, when paid, so that the same may be discharged from record.

§ 67. Semi-annual meetings and records of board of managers.—The board of managers shall maintain an effective inspection of the affairs and management of the institution, for which purpose they shall meet at the institution twice in each year, at such times as the by-laws shall provide. The resident officers shall admit the managers into every part of the institution, and shall exhibit to them on demand the books, papers, accounts and writings belonging to the institution, and shall furnish copies, abstracts and reports whenever required by the managers.

A committee of three managers to be appointed by the board at the annual meeting thereof, shall visit the institution once in every month, and perform such other duties and exercise such other powers as shall be prescribed in the by-laws, or the board may direct. The board shall keep in a bound book, to be provided for the purpose, a fair and full record of all its doings, which shall be open at all times to the inspection of its members, and all persons whom the governor and either house of the legislature may appoint to examine the same.

§ 68. Manner of receiving pupils.—There shall be received and gratuitously supported in the institution one hundred and twenty feeble-minded children, as state pupils, who shall be selected from those whose parents or guardians are unable to provide for their support, in equal numbers as far as may be, from each judi-

cial district. Such additional number of feeble-minded children as can be conveniently accommodated shall be received into the institution on such terms as shall be just.

If the number of feeble-minded children admitted shall not equal the capacity of the institution, such additional number of nonteachable idiots may be admitted as can be conveniently accommodated.

Feeble-minded children shall be received into the institution upon the written request of the person by whom they are sent, stating the name in full, age, place of nativity, if known, the town, city or county in which each resides, and whether such child, his parents or guardian, are able to provide for his support, in whole or in part, and if in part only what part, the degree of relationship or other circumstances of connection between him and the person requesting his admission, which statement must be verified by the affidavit of two disinterested persons, residents of the same county as the child and acquainted with the facts and circumstances stated, and certified to be credible by the county judge of the county.

Such judge must also further certify that such child is an eligible and proper candidate for admission to such institution.

Feeble-minded children may also be received into such institution upon the official application of a county superintendent of the poor, or the commissioners of charity of a city of the state having such officers.

In the admission of feeble-minded children, preference shall be given to poor or indigent children over all others, and to such as are able or have parents able to support them only in part, over those who are or who have parents who are able to wholly support such children.

§ 69. Discharge of state pupils and payment of expenses.—When the manager shall direct a state pupil to be discharged from the institution, the superintendent thereof may return him to the county from which he was sent, and deliver him to the keeper of the almshouse thereof, and the superintendent of the poor of the county shall audit and pay the actual and reasonable expenses of such return. If any town, county or person is legally liable for the support of such pupil, such expenses may be re-

covered by action in the name of the county by such superintendent of the poor. If the superintendent of the poor neglect or refuse to pay such expenses on demand, the treasurer of the institution may pay the same and charge the amount to the county; and the treasurer of the county shall pay the same with interest after thirty days, out of any funds in his hands not otherwise appropriated; and the supervisors shall raise the amount so paid as other county charges.

§ 70. Expense of clothing state pupils.—The supervisors of any county from which state pupils may have been received shall cause to be raised annually, while such pupils remain in the institution, the sum of thirty dollars for each pupil, for the purpose of furnishing suitable clothing, which shall be paid to the treasurer of the institution on or before the first day of April.

The superintendent may agree with the parent, guardian or committee of a feeble-minded child, or with any person, for the support, maintenance and clothing of such a child at the institution, upon such terms and conditions as may be prescribed, in the by-laws, or approved by the managers. Every parent, guardian, committee, or other person applying for the admission into the institution of a feeble-minded child who is able, or whose parents or guardians are of sufficient ability to provide for his maintenance therein, shall at the time of his admission, deliver to the superintendent an undertaking, with one or more sureties, to be approved by the managers, conditioned for the payment to the treasurer of the institution of the amount agreed to be paid for the support, maintenance and clothing of such feeble-minded child, and for the removal of such child from the institution without expense thereto, within twenty days after the service of the notice hereinafter provided. If such child, his parents or guardians are of sufficient ability to pay only a part of the expense of supporting and maintaining him, such undertaking shall be only for his removal from the institution as above mentioned; and the superintendent may take security by note or other written agreement, with or without sureties, as he may deem proper, for such part of such expenses as such child, his parents or guardians are able to pay, subject, however, to the approval of the managers in the manner that shall be prescribed in the by-

laws. Notice to remove a pupil shall be in writing, signed by the superintendent and directed to the parents, guardians, committee or other person upon whose request the pupil was received at the institution, at the place of residence mentioned in such request, and deposited in the post-office at Syracuse with the postage prepaid.

If the pupil shall not be removed from the institution within twenty days after service of such notice, according to the conditions of the agreement and undertaking, he may be removed and disposed of by the superintendent as herein provided, in relation to state pupils, and the provisions of this article respecting the payment and recovery of the expenses of the removal and disposition of a state pupil, shall be equally applicable to expenses incurred under this section.

ARTICLE V.

STATE CUSTODIAL ASYLUM FOR FEEBLE-MINDED WOMEN.

Section 80. Established as a corporation.

81. Board of managers.

82. Officers.

83. Treasurer to give undertaking.

Section 80. Established as a corporation.—The asylum established at Newark, Wayne county, for feeble-minded women is hereby continued as a body corporate and shall be known as the State Custodial Asylum for Feeble-Minded Women.

§ 81. Board of managers.—Such asylum shall continue to have a board of nine managers, three of whom shall be women, and shall be appointed by the governor, by and with the consent of the senate, for six years, except appointments to fill vacancies, which shall be for the unexpired term. The board of managers shall have the custody and control of all property and power to make all rules for the management and control of the effects of the asylum.

§ 82. Officers.—The board of managers shall appoint, of their number, a president, a secretary and a treasurer. They shall appoint a superintendent, a matron, and employ all assistants that may be necessary for the proper management of the asylum.

§ 83. Treasurer to give undertaking.—The treasurer shall, before he receives any money, give an undertaking to the people of the state, with such sureties and in such amount as the board of managers shall require and to be approved by the comptroller, to the effect that he faithfully perform his trust as such treasurer.

ARTICLE VI.

ROME STATE CUSTODIAL ASYLUM.

Section 90. Asylum for the feeble-minded and idiots.

91. Appointment of managers.

92. Powers and duties of managers.

93. Superintendent, qualifications, powers and duties.

94. Commitment to asylum, maintenance.

Section 90. Asylum for feeble-minded persons and idiots.—The asylum established at Rome for the custody, maintenance, training and treatment of the custodial class of feeble-minded persons and idiots is hereby continued and shall be known as the Rome state custodial asylum. (*As amended by chapter 462 of the Laws of 1904.*)

§ 91. Appointment of managers.—Such asylum shall be under the control and management of a board of eleven managers, appointed by the governor, by and with the advice and consent of the senate and whose term of office shall be six years. The managers now in office shall hold their offices until the expiration of the terms for which they were respectively appointed, or until their successors are appointed and have qualified. They may be removed by the governor, upon charges preferred against them in writing, after an opportunity given them to be heard thereon. They shall appoint one of their number as president, another as vice-president and another as secretary. (*As amended by chapter 462 of the Laws of 1904.*)

§ 92. Powers and duties of managers.—The board of managers shall,

1. Have the general direction and control of all the property and concerns of the asylum, take charge of its general interests and see that its design is carried into effect, according to law, and its by-laws, rules and regulations.

2. Establish by-laws, rules and regulations, subject to the approval of the state board of charities, for the internal government, discipline and management of the asylum.

3. Maintain an effective inspection of the asylum for which purpose, a majority of the managers shall visit the asylum at least once in every two months, and at such other times as may be prescribed in the by-laws. The superintendent or other officer in charge shall admit such managers or manager into every part of the asylum and its buildings and exhibit to them on demand all the books, accounts and writings belonging to the asylum and pertaining to its interests, and furnish copies, abstracts and reports whenever required by them.

4. Annually report to the legislature for the preceding fiscal year the affairs and conditions of the asylum with full and detailed estimates of the next appropriations required for maintenance and ordinary uses and repairs, and of special appropriations, if any, needed for extraordinary repairs, renewals, extensions, improvements, betterments or other necessary objects.

5. If lands are required for the use of the asylum, acquire the same by purchase, gift or condemnation.

(As amended by chapter 462 of the Laws of 1904.)

§ 93. Superintendent, qualifications, powers and duties.—The superintendent shall be appointed by the board of managers in accordance with the laws of this state after a civil service examination which shall be held upon the lines of qualification, experience and training herein provided within two months after the passage of this act. He shall be a resident of this state a well educated physician and graduate of a legally incorporated medical college, and shall have had a suitable experience and training of not less than three years in the care and treatment of the mentally defective classes, epileptic or insane. He shall be the chief executive officer of the asylum, and shall manage the institution in conformity to rules and regulations adopted by the board of managers. He shall appoint the assistant physicians, steward, clerk, a bookkeeper, matron and all subordinate employes; and he shall discharge them, when in his judgment, it may be necessary to do so, for the good of the institution. *(As amended by chapter 462 of the Laws of 1904.)*

§ 94. Commitments to asylum; maintenance.—The superintendents of the poor of the various counties of the state may commit to such asylum, if vacancies exist therein, such feeble-minded persons and idiots residing in their respective counties, who are indigent or inmates of county almshouses, according to the by-laws and regulations of the asylum. All commitments shall be in the form prescribed by the board of managers. Insane idiots or epileptics shall not be committed to such asylum. Feeble-minded persons and idiots other than the poor and indigent may be admitted to the asylum, if vacancies exist, after providing for the care and custody of the poor and indigent feeble-minded persons and idiots, at a rate which shall not exceed the weekly per capita cost of maintaining all inmates as determined yearly by the board of managers. The maintenance of the institution and the poor and indigent inmates thereof shall be a charge upon the state. (*As amended by chapter 462 of the Laws of 1904.*)

ARTICLE VII.

THE CRAIG COLONY FOR EPILEPTICS.

Section 100. Establishment and objects of colony.

101. Managers of the colony.
102. Buildings and improvements.
103. Powers and duties of managers.
104. Annual report; state board of charities.
105. Donations in trust.
106. Officers of the colony.
107. Duties of the superintendent.
108. Duties of treasurer.
109. Designation and admission of patients.
110. Support of state patients.
111. Apportionment of state patients.
112. The support of private patients.
113. Discharge of patients.
114. Notice of opening of colony.
115. Reimbursement for maintenance expenses.

Section 100. Establishment and objects of colony.—The colony for epileptics established at Sonyea, Livingston county, is hereby continued, and shall be known as the Craig Colony for

Epileptics, in honor of the late Oscar Craig, of Rochester, New York, whose efficient and gratuitous public services in behalf of epileptics and other dependent unfortunates, the state desires to commemorate. The objects of such colony shall be to secure the humane, curative, scientific and economical care and treatment of epileptics, exclusive of insane epileptics.

§ 101. Managers of the colony.—There shall be a board of twelve managers of the Craig colony, all of whom shall be citizens of the state, appointed by the governor, by and with the advice and consent of the senate, one from each judicial district and one additional member from each of the fifth, sixth, seventh and eighth judicial districts. The term of office of each manager hereafter appointed to succeed a manager whose term has expired shall be three years, and the term of office of four of such managers shall expire annually. The managers in office when this chapter takes effect shall continue in office until the expiration of the term for which they were appointed and until their successors are appointed and have qualified. Appointments to fill vacancies occurring by death, removal or resignation, shall be made without unnecessary delay for the unexpired term. Failure of any manager to attend in each year the whole of two stated meetings of the board, shall be a sufficient cause for removal by the governor. Any manager may be removed by the governor upon written charges preferred against him, after an opportunity to be heard in his defense. The managers shall receive no compensation for their services, but shall be allowed their reasonable traveling and official expenses, to be paid as other charges against the institution.

§ 102. Buildings and improvements.—The board of managers shall put the premises conveyed to the state for the use of the colony into proper condition for the reception of patients and shall receive patients gradually and as rapidly as the condition of the colony will admit. They shall utilize all buildings and improvements on the land so conveyed, and construct such additional buildings and make further improvements upon plans adopted by them and approved by the state board of charities and for which appropriations are made by the legislature. There shall be provided for such colony an abundant supply of

wholesome water, sufficient means for drainage and the disposal of sewage in a proper sanitary system. All of which shall be done under the direction of the board of managers in accordance with plans adopted by them, and approved by the state board of charities.

§ 103. Powers and duties of managers.—Six members of the board of managers shall constitute a quorum for the transaction of business. The board shall:

1. Elect from their number a president and secretary, and may adopt a seal for the use of the colony.

2. Have the government, direction and control of the patients, officers and employes of the colony and of all the property and concerns thereof.

3. Purchase supplies for the use of the colony and such raw materials as may be necessary for the trades and industries pursued therein, and provide for the disposal of the manufactured products and the product of the land.

4. Employ the assistants necessary for the government of the colony, and to educate and properly use the labor of the patients.

5. Establish such by-laws, rules and regulations as they may deem necessary regulating the appointment, powers and duties of officers, teachers, attendants and assistants, fixing the condition of admission; treatment, education, support, custody, discipline and discharge of patients, conducting in a proper manner the business of the colony, and regulating the internal government, discipline and management of the colony.

6. Maintain an effective inspection of the affairs and management of the colony, for which purpose they shall meet at the institution at least four times in each year and at such other times as the by-laws shall prescribe. Their annual meeting shall be held on the second Tuesday of October.

7. Appoint at its annual meeting, a committee of three managers, who shall visit the colony at least once in every month, and perform such other duties and exercise such other powers as are prescribed in the by-laws, or directed by the board.

8. Copy in a bound book, a fair and full record of all its proceedings, which shall be open at all times to the inspection of its

members and officers of the state board of charities, and all persons whom the governor or either house of the legislature may appoint to examine the same. (*As amended by chapter 359 of the Laws of 1898.*)

§ 104. Annual report; state board of charities.—The board of managers of the Craig colony shall annually, on or before the first day of November, for the preceding fiscal year, report to the state board of charities the affairs and conditions of the colony, with full and detailed estimates of the next appropriation required for maintenance and ordinary uses and repairs, and of special appropriations, if any, needed for extraordinary repairs, renewals, extensions, improvement, betterments or other necessary objects, as also for the erection of additional buildings needed by reason of overcrowding, and in order to prevent the same, or to meet the need of sufficient accommodations for patients seeking admission to the colony; and the state board of charities shall, in its annual report to the legislature, certify what appropriations are, in its opinion, necessary and proper. The said colony shall be subject to the visitation and to the general powers of the state board of charities.

§ 105. Donations in trust.—The managers may take and hold in trust for the state any grant or devise of land, or any gift or bequest of money or other personal property, or any donation, to be applied, principal or income, or both, to the maintenance and education of epileptics and the general uses of the colony.

§ 106. Officers of the colony.—The board of managers shall appoint a superintendent of the colony, who shall be a well-educated physician and a graduate of a legally chartered medical college, with an experience of at least five years in the actual practice of his profession, and who shall be certified as qualified by the civil service commission, after a competitive examination, and an agent who shall also be the treasurer of the colony and shall give an undertaking to the people of the state for the faithful performance of his trust, in such sum and form and with such sureties as the comptroller shall approve. Such officers may be discharged or suspended at any time by such board, in its discretion. The superintendent shall constantly reside in the colony. (*As amended by chapter 459 of the Laws of 1905.*)

§ 107. Duties of the superintendent.—The superintendent shall be the chief executive officer of the colony, and subject to the supervision and control of the board of managers; he shall:

1. Oversee and secure the individual treatment and personal care of each and every patient of the colony while resident therein and the proper oversight of all the inhabitants thereof.

2. Have the general superintendence of the buildings, grounds and farm, with their furniture, fixtures and stock, and the direction and control of all persons employed in and about the same.

3. Give, from time to time, such orders and instructions as he may deem best calculated to induce good conduct, fidelity and economy in any department of labor or education or treatment of patients.

4. Appoint a steward and a matron and employ a bookkeeper and such teachers, assistants and attendants as he may think necessary to economically and efficiently carry into effect the design of the colony; prescribe their duties and places, and, subject to the approval of the board of managers, fix their compensation. The steward and matron shall reside in the colony.

5. Maintain salutary discipline among all employes, patients and inhabitants of the colony, have the custody and control of every patient admitted to the colony until properly discharged, and subject to the regulations of the managers, restrain and discipline any patient in such manner as he may judge is for the welfare of the patient and the proper conduct of the colony, and enforce strict compliance with the instructions and uniform obedience to all the rules and regulations of the colony. (*As amended by chapter 359 of the Laws of 1898.*)

6. Cause full and fair accounts and records of the entire business and operations of the colony, with the conditions and prospects of the patients, to be kept regularly, from day to day, in books provided for that purpose.

7. See that such accounts and records shall be fully made up to the first days of January, April, July and October, in each year, and that the principal facts and results, with the report thereon, be presented to the board of managers at its quarterly meetings.

8. Conduct the official correspondence of the colony, and keep a record or copy of all letters written by himself and by his

clerks and agents, and files of all letters received by him or them.

9. Prepare and present to the board, at its annual meeting, a true and perfect inventory of all the personal property and effects belonging to the colony, and account, when required by the board, for the careful keeping and economical use of all furniture, stores and other articles furnished for the colony.

10. Keep a record of all applications for admission of patients, and enter in a book to be provided and kept for that purpose, at the time of admission of each patient to the colony, a minute, with the date, name, residence of the patient, and of the persons on whose application he is received, with a copy of the application, statement, certificate, and all other papers received relating to such epileptic patient, the originals of which he shall file and carefully preserve, and certified copies whereof he shall forthwith transmit to the state board of charities.

11. Have power, subject to the supervision and control of the board of managers, in case of the death of any patient at such institution who shall have been maintained therein wholly at public expense, to make or cause to be made at the said Craig colony by a member or members of its medical staff an autopsy on the body of such patient, provided that such autopsy be made not later than twelve hours after the death of such patient and that it be confined exclusively to the brain and made in such manner as will cause the least possible mutilation, and provided also that the said Craig colony shall print conspicuously upon all application blanks used in admitting patients to the institution the fact that the officers of said colony have the above stated powers in relation to the making of autopsies. (*As added by chapter 545 of the Laws of 1904 and amended by chapter 458 of the Laws of 1905.*)

§ 108. Duties of agent in the capacity of treasurer.—The agent in the capacity of treasurer among his other duties, shall:

1. Have the custody of all moneys received from the comptroller for the use of the colony, and all other money, notes, mortgages and other securities and obligations belonging to the colony.

2. Keep a full and accurate account of all receipts and payments as provided by law, and such other accounts as shall be required of him by the managers.

3. Balance all the accounts on his books on the first day of each October, and make a statement thereof and an abstract of all the receipts and payments of the past year; and within five days thereafter deliver the same to the auditing committee of the managers, who shall compare the same with his books and vouchers, and verify the same by the comparison with the books of the superintendent, and certify the correctness thereof to the managers at their annual meeting.

4. Render a quarterly statement of his receipts and payments to such auditing committee who shall, in like manner as above, compare, verify, report and certify the result thereof, to the managers at their annual meeting, who shall cause the same to be recorded in one of the books of the colony.

5. Render a further account of the state of his books and of the funds and other property in his custody, whenever required by the managers.

6. Receive for the use of the colony, money which may be paid upon obligation or securities in his hands belonging to the colony; and all sums paid to the colony for the support of any patient therein, or, for actual disbursements made in his behalf for necessary clothing and traveling expenses; and money paid to the colony from any other source.

7. Prosecute an action in the name of the colony to recover money due or owing to the colony, from any source; including the bringing of suit for breach of contract between private patients or their guardians and the managers of the colony.

8. Execute a lease and satisfaction of a mortgage, judgment, lien or other debt when paid.

9. Pay the salaries of the superintendent, treasurer, matron, steward, and of all employes of the colony, and the disbursements of the officers and members of the board as aforesaid, as provided by law.

(As amended by chapter 459 of the Laws of 1905.)

§ 100. Designation and admission of patients.—There shall be received and gratuitously supported in the colony, epileptics residing in the state, who, if of age, are unable, or, if under age,

whose parents or guardians are unable to provide for their support therein; and who shall be designated as state patients. Such additional number of epileptics as can be conveniently accommodated shall be received into the colony by the managers on such terms as shall be just, and shall be designated as private patients. Epileptic children shall be received into the colony only upon the written request of the persons desiring to send them, stating the name, age, place of nativity, if known, the town, city or county in which such children respectively reside, and the ability of their respective parents, or guardians or others to provide for their support in whole or in part, and if in part only, stating what part; and stating also the degree of relationship or other circumstances of connection between the patients and the persons requesting their admission; which statement in all cases of state patients must be verified by the affidavits of the petitioners and of two disinterested persons, and accompanied by the opinion of a qualified physician, all residents of the same county with the epileptic patient, and acquainted with the facts and circumstances stated, and who must be certified to be credible by the county judge or surrogate of the county; and such judge or surrogate must also certify, in each case, that such state patient, in his opinion, is an eligible and proper candidate for admission to the colony. State patients may also be received into the colony upon the official application of a county superintendent of the poor, or of the poor authorities of any city.

It shall be the duty of the superintendent of the poor in every county and of the poor authorities of every city to furnish annually to the state board of charities, a list of all epileptics in their respective jurisdictions, so far as the same can be ascertained, with such particulars as to the condition of each epileptic as shall be prescribed by the said state board. Whenever an epileptic shall become a charge for his or her maintenance on any of the towns, cities or counties of this state, it shall be the duty of all poor authorities of such city, and of the county superintendents of the poor, and of the supervisors of such county, to place such epileptic in the said colony. Any parent, guardian or friend of an epileptic child within this state may make application to the poor authorities of any city, or the superintendent

of the poor of any county or the board of supervisors or any supervisor of any town, ward or city where such child resides, showing by satisfactory affidavit or other proof that the health, morals, comfort or welfare of such child may be endangered or not properly cared for if not placed in such colony; and thereupon it shall be the duty of such officer or board to whom such application may be made to place such child in said colony. The board of supervisors shall provide for the support of such patients, except those properly supported by the state, and may recover for the same from the parents or guardians of such children. In the admission of patients preference shall always be given to poor or indigent epileptics, or the epileptic children of poor or indigent persons, over all others; and preference shall always be given to such as are able to support themselves only in part, or who have parents able to support them only in part, over those who are able or who have parents who are able wholly to furnish such support.

§ 110. Support of state patients.—State patients shall be provided with proper board, lodging, medical treatment, care and tuition; and the managers of the colony shall receive for each state patient supported therein a sum not exceeding two hundred and fifty dollars per annum; which payments, if any, shall be made by the treasurer of the state, on the warrant of the comptroller, to the treasurer of said colony, on his presenting the bill of the actual time and number of patients in the colony, signed and verified by the superintendent and treasurer of the colony and by the president and secretary of its board of managers. The supervisors of any county from which such patients may have been received into the colony shall cause to be raised annually while such patients remain in the colony, the sum of thirty dollars for each of such state patients for the purpose of furnishing suitable clothing, and the same shall be paid to the treasurer of the colony on or before the first day of April of each year.

§ 111. Apportionment of state patients.—Whenever applications are made at one time for admission of more state patients than can be properly accommodated in the colony, the managers shall so apportion the number received, that each county may be represented in a ratio of its dependent epileptic population to

the dependent epileptic population of the state, as shown by statistics furnished by the state board of charities.

§ 112. The support of private patients.—The superintendent of the colony may agree with any epileptic who may be of age, or his committee or guardian, or with the parents, guardian or committee of any epileptic child, or with any person for the entire or partial support, maintenance, clothing, tuition, training, care and treatment of such epileptic in the colony, on such terms and conditions as may be prescribed in the by-laws or approved by the managers. Every patient, guardian, committee or other person applying for the admission into the colony of an epileptic who is, or whose parents or guardians are of sufficient ability to provide for his support and maintenance therein, shall at the time of his admission, execute a bond to the treasurer of the colony with one or more sureties, to be approved by the superintendent and treasurer, in such sum as the managers shall prescribe, to the effect that the obligers will pay to the treasurer of the colony all sums of money at such time or times as shall be so agreed upon, and remove such epileptic from the colony free of expense to the managers within twenty days after the service of the notice hereinafter provided for. If such epileptic, his parents or guardian are of sufficient ability to pay only a part of the expenses of supporting and maintaining him at the institution, such undertaking shall be only for such partial support and maintenance and for removal from the institution as above mentioned; and the treasurer may take security by such obligation or in his discretion by note or other written agreement, with or without sureties, as he may deem proper for such part of such expenses as the epileptic, his parents or guardians are able to pay; but such exercise of discretion shall be with the approval of the superintendent and a committee of the managers in a manner that shall be prescribed in the by-laws. Notice to remove a patient shall be in writing, signed by the superintendent and directed to the epileptic, his parents, guardian, committee or other person upon whose request the patient was received at the colony, at the place of residence mentioned in such request, and deposited in the post-office at Sonyea or any post-office in Livingston county, with the postage prepaid.

§ 113. Discharge of patients.—The superintendent of the colony, with the approval of the managers or of a committee thereof, shall have power to discharge patients, but no epileptic patient shall be returned to any poorhouse, directly through a superintendent of the poor, or otherwise. In case a patient, not an epileptic, shall be sent to the colony, through mistaken diagnosis of his disease, or other cause, and there received, such patient shall be returned to and the traveling expenses of such return shall be paid by the person who sent him or her to the colony. Should an epileptic become insane, such patient, if a state patient, shall be sent to the state hospital of the district of which he was a resident just prior to his admission to the colony in the manner prescribed by law. The bills for the reasonable expenses incurred in the transportation of state patients to and from the state hospitals after they have been approved in writing by the state commission in lunacy, shall be paid by the treasurer of the state on the warrant of the comptroller from the funds provided for the support of the state hospitals. In case the relatives, guardians or friends of such an insane patient desire that he become an inmate of any state hospital situated beyond the limits of the district of which he was formerly a resident, and there be sufficient accommodations in such state hospital, he shall be received there in the manner provided by law for the transfer of other insane persons. Private patients, who may become insane, shall be committed, as prescribed by law, subject to the regulations of the state commission in lunacy, to such institution for the insane as may be designated by the relatives, guardians or friends of such insane person, all traveling and other expenses of removal to be paid by them. After any patient has been delivered to the managers or officers of such hospital or institution, the care and custody of the managers of the colony over such insane person shall cease; and after any patient shall as aforesaid, be so certified to be insane as prescribed by law, such patient shall come under the supervision of the state commission in lunacy.

§ 114. Notice of opening of colony.—So soon as the colony shall be ready for the reception of patients, it shall be the duty of the board of managers officially to send notice of such fact to the county clerks and the clerks of the boards of supervisors of

the respective counties of the state, and the secretary of the state board of charities; and to furnish such clerks of counties and boards of supervisors with suitable blanks for the commitment of epileptics to such colony.

§ 115. Reimbursement for maintenance expenses.—The agent appointed as provided in this article shall secure from relatives or friends who are liable therefor, or who may be willing to assume the cost of maintenance of any inmate therein, who is not maintained as a private patient, reimbursement in whole or in part of the money expended by the state for such purpose. Such agent shall perform such other duties as the board of managers may prescribe. If the board of managers believes that any inmate of such colony, not maintained therein as a private patient, has any property, or that any relative who would be liable for his support if he were not an inmate of such institution is of sufficient ability to wholly or partly provide for his maintenance therein, such board of managers may apply to a justice of the supreme court of the judicial district in which such institution is located for an order directing the application of the property of such inmate to his maintenance in such institution, or requiring the relatives so liable for his support to pay to such institution at the time specified in such order a stated amount for such maintenance. At least ten days' notice of the application of such order shall be given to such persons and in such manner as such justice shall direct, and such order shall be granted only after a hearing of parties interested who appear and desire to be heard. The relatives against whom such proceeding is instituted and who are served with the notice of the application for the order shall be deemed to be of sufficient ability, unless the contrary shall affirmatively appear to the satisfaction of such justice. If more than one relative is liable for the support of such inmate and is of sufficient ability to contribute to the expense of his maintenance in such institution, such order shall determine the portion of the expense of his maintenance to be paid by each. If the property of such inmate is not applied as directed in such order, or the relatives liable for the support of such inmate refuse or neglect to comply with such order, the board of managers of such colony may bring an

action in the name of such institution to recover the amount due such institution by virtue of such order. (*As amended by chapter 459 of the Laws of 1905.*)

ARTICLE VIII.

*INSTITUTIONS FOR JUVENILE DELINQUENTS.

Section 120. State industrial school; managers.

121. Managers of House of Refuge for Juvenile Delinquents in New York city.

122. Powers and duties of managers.

123. Superintendent.

124. Commitment of children.

125. Register.

126. Discipline and control of inmates.

127. Military drill.

128. Transfer of inmates to penitentiary or Elmira reformatory.

129. Confinement of juvenile delinquents under sentences by the courts of the United States.

130. Effects of alcoholic drinks and narcotics to be taught.

131. Establishing New York state training school for girls.

132. Appointment of managers.

132a. General powers and duties of managers.

133. General powers of superintendent.

134. Oaths and bonds.

135. Commitments; papers furnished by committing magistrates.

136. Return of females improperly committed.

137. Disposition of children of females so committed.

138. Conveyance of females committed.

139. Detentions and rearrests in cases of escape.

139a. Employment of inmates.

139b. Clothing and money to be furnished discharged inmates.

139c. Confinement of female juvenile delinquents under sentences by the courts of the United States.

* See also chapter 470 of the Laws of 1893, page. 88.

Section 120. State industrial school; managers.—The State Industrial School, at Rochester, is hereby continued for the reception of all male children, under the age of sixteen years, who shall be legally committed to such school as vagrants or on a conviction for any criminal offense by any court having authority to make such commitment. Such school shall be under the control and management of a board of fifteen managers appointed by the governor, by and with the advice and consent of the senate. Their term of office shall be three years, and they shall be so appointed that the terms of one-third shall expire on the first Tuesday of February in each year. All vacancies shall be filled by the governor and the person appointed to fill a vacancy shall hold office for the remainder of the term of the person whom he succeeds. In the discretion of the governor, persons of either sex may be appointed as managers of such school. Such managers shall serve without compensation. (*As amended by chapter 536 of the Laws of 1898 and chapter 167 of the Laws of 1904.*)

§ 121. Managers of house of refuge for juvenile delinquents in New York city.—The society for the reformation of juvenile delinquents in the city of New York shall continue to be a corporation by the name of "The managers of the society for the reformation of juvenile delinquents in the city of New York," with all the powers conferred upon it by its act of incorporation and the acts amendatory thereof, in so far as the same are not inconsistent with the provisions of this act. In addition to the governor, comptroller and attorney-general, ex officio managers, there shall be twenty-one managers of such society, each of whom shall hold office for the term of three years; and the managers in office when this chapter takes effect shall continue in office for the terms for which they were chosen respectively. The members of such society residing in the city of New York shall annually on the third Monday in November, by a plurality of votes, elect seven managers of such society. If a vacancy shall occur in the office of any manager, the board of managers may appoint a person to fill the vacancy for the remainder of the unexpired term. (*As amended by chapter 167 of the Laws of 1904, and chapter 613 of the Laws of 1905.*)

§ 122. Powers and duties of managers.—The managers of such house of refuge, established by the society for the reformation of juvenile delinquents, in the city of New York, and of such state industrial school shall have the general control of such institutions and shall make all such rules, regulations, ordinances and by-laws for the government, discipline, employment, management and disposition of the officers thereof, and of the children while in such institution or in the care of such managers, as to them may appear just and proper. They shall appoint a superintendent and such other officers as they may deem necessary for the conduct and welfare of the institution under their charge. They shall report in detail annually to the legislature on or before the fifteenth day of January, the number of children received by them into the institution, the disposition thereof, their receipts and expenditures, their proceedings during the preceding year, and all other matters which they deem advisable to be brought to the attention of the legislature.

§ 123. Superintendent.—The superintendent so appointed shall be the chief executive officer of such school, or house of refuge, and subject to the by-laws, rules and regulations thereof and the powers of the board of managers, shall have control of the internal affairs and shall maintain discipline therein and enforce a compliance with, and obedience to, all rules, by-laws, regulations and ordinances adopted by said board for the government, discipline and management of such school or house of refuge.

Under direction of such managers, he shall receive and take into such institution all children legally committed thereto by any court having authority to make such commitment.

§ 124. Commitment of children.*—Male children under the age of sixteen years may be committed from the rural counties of this state as vagrants, or on the conviction of any criminal offense by any court having authority to make such commitments, to the state industrial school or the house of refuge established by the society for the reformation of juvenile delinquents; but such children in the counties of New York and Kings shall be committed to the house of refuge in New York city, established

* By section 701 of the Penal Code, boys under the age of 12 years convicted of a crime amounting to felony, or boys between the ages of 12 and 16 years convicted of a crime, may also be committed to the State Industrial School or to the House of Refuge on Randall's Island. See page 89.

by such society. But no child under the age of twelve years shall be committed or sentenced to either of such institutions for any crime or offense less than felony. The courts of criminal jurisdiction in the several counties shall ascertain by such proof as may be in their power, the age of every delinquent committed to either of such institutions, and insert such age in the order of commitment and the age thus ascertained shall be deemed and taken to be the true age of such delinquent. If the court shall omit to insert in the order of commitment, the age of any delinquent committed to such school or house of refuge the managers shall as soon as may be after such delinquent shall be received by them, ascertain his age by the best means in their power, and cause the same to be entered in a book to be designated by them for that purpose, and the age of such delinquent thus ascertained shall be deemed and taken to be the true age of such delinquent. (*As amended by chapter 167 of the Laws of 1904.*)

§ 125. Register.—Upon the commitment of a delinquent to such industrial school or house of refuge, the superintendent thereof shall cause to be entered in the register kept for that purpose, the date of admission, name, age, place of birth, nationality, residence and such other facts as may be ascertained, relating to the origin, condition, peculiarity or inherited tendencies of such delinquent. (*As amended by chapter 167 of the Laws of 1904.*)

§ 126. Discipline and control of inmates.—The managers of the state industrial school shall receive and detain during minority, every male delinquent committed thereto in pursuance of law, or to the western house of refuge for juvenile delinquents, or to the house of refuge for juvenile delinquents in western New York. The managers of the house of refuge for juvenile delinquents in the city of New York, may receive and detain during minority all male delinquents committed thereto. After June one, nineteen hundred and four, no female shall be committed to or received at either the said state industrial school or the house of refuge for juvenile delinquents in the city of New York. The managers of each institution shall cause the children detained therein or under their care to be instructed in such branches of useful knowledge, and to be regularly and systematically employed in such lines of industry as shall be

suitable to their years and capacities, and shall cause such children to be subjected to such discipline, as in the opinion of such board, is most likely to effect their reformation. The managers of each institution, with the consent of any child committed thereto, may bind out as an apprentice or servant, such child during the time they would be entitled to retain him to such persons and at such places to learn such trade and employment as in their judgment will be for the future benefit and advantage of such child. (*As amended by chapter 167 of the Laws of 1904.*)

§ 127. Military drill.—The superintendent of the state industrial school, and the superintendent of the house of refuge, established by the society for the reformation of juvenile delinquents, with the approval of the respective boards of managers thereof, may institute and establish a system of rules and regulations for uniforming, equipping, officering, disciplining and drilling in military art, the inmates of such institutions, and for the exercise and drill of such inmates according to the most approved tactics, such number of hours daily as such superintendent may deem advisable. (*As amended by chapter 167 of the Laws of 1904.*)

§ 128. Transfer of inmates to penitentiary or Elmira reformatory.—If a delinquent confined in the state industrial school or the house of refuge established by the society for the reformation of juvenile delinquents, by commitment for felony, is guilty of attempting to set fire to any building belonging to either of such institutions, or to any combustible matter for the purpose of setting fire to any such building, or of openly resisting the lawful authority of an officer thereof, or of attempting to excite others to do so, or shall by gross or habitual misconduct exert a dangerous and pernicious influence over the other delinquents, the board of managers of the institution wherein such case arises shall submit a written statement of the facts to a justice of the supreme court, or, if the case arises within the state industrial school, to the county judge of the county of Monroe, and apply to him for an order authorizing a temporary confinement of such delinquent, in the Monroe county penitentiary, or if over sixteen years of age, in the Elmira reformatory; and if the case arises within the house of refuge, established by the society for the

reformation of juvenile delinquents in the city of New York, in the county jail or penitentiary of the county of New York, or if the delinquent be over sixteen years of age, to the Eastern New York reformatory, when completed, and until then to the Elmira reformatory. Such judge shall forthwith inquire into the facts, and if it appear that the statement is substantially true, and that the ends desired to be accomplished by the institution wherein the case has arisen will be best promoted thereby, he shall make an order authorizing the confinement of such delinquent in such penitentiary, county jail or reformatory for the limited time expressed in the order, and the keeper or superintendent of such penitentiary, county jail or reformatory shall receive such delinquent and detain him during the time expressed in such order. At the expiration of the time limited by such order, or sooner, if the board of managers of either of such institutions shall direct, the superintendent or keeper of such reformatory, county jail or penitentiary shall return such delinquent to the custody of the superintendent of the institution from which such delinquent shall have been received. (*As amended by chapter 167 of the Laws of 1904.*)

§ 129. Confinement of juvenile delinquents under sentences by the courts of the United States.—The superintendents of the house of refuge, established by the society for the reformation of juvenile delinquents in the city of New York, and the state industrial school at Rochester, shall receive and safely keep in their respective institutions, subject to the regulations and discipline thereof, and the provisions of this article, any male criminal under the age of sixteen years convicted of any offense against the United States, under sentence of imprisonment in any court of the United States, sitting within this state, until such sentences be executed, or until such delinquent shall be discharged by due course of law, conditioned upon the United States supporting such delinquent and paying the expenses attendant upon the execution of such sentence. (*As amended by chapter 167 of the Laws of 1904.*)

§ 130. Effects of alcoholic drinks and narcotics to be taught.—The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in the schools con-

nected with such house of refuge established by the society for the reformation of juvenile delinquents in the city of New York and in the State Industrial school at Rochester, for not less than four lessons a week for ten or more weeks in each year. All pupils who can read shall study this subject from suitable text books, but pupils unable to read shall be instructed in it orally by teachers using text books adapted for such oral instruction as a guide and standard, and these text books shall be graded to the capacities of the pupils pursuing such course of study.

§ 131. Establishing New York state training school for girls.—The house of refuge for women at Hudson, with its board of managers and its officers and employes, is hereby continued as a reformatory institution under the name and title of the "New York state training school for girls," for the reception of all girls not over the age of sixteen years, who shall be legally committed thereto or placed in charge of such institution as vagrants or on conviction of any criminal offense by any court having authority to make such commitments or to place such girls therein. (*Added by chapter 453 of the Laws of 1904.*)

§ 132. Appointment of managers.—Such institution shall be under the control of its present board of managers, until others are appointed. Such board shall consist of six managers to be appointed by the governor, by and with the advice and consent of the senate. All such managers shall be residents of the state, two shall be women and one a physician who has practiced his profession for ten years. The terms of the managers hereafter appointed shall be six years, except that the managers appointed to fill vacancies shall hold office for the unexpired terms of the managers whom they succeed. The term of office of one of such managers shall expire each year. Where the term of office of a manager of such institution expires at a time other than the last day of December in any year, the term of office of his successor is abridged so as to expire on the last day of December, preceding the time when such term would otherwise expire, and the term of office of each manager thereafter appointed shall begin on the first day of January. The governor may remove any manager, at any time, for cause, on giving to such manager a copy of the charges against him and an opportunity to be heard in his defense. Such managers shall receive no compen-

sation for their time or services; but the actual expenses necessarily incurred by them in the performance of their official duties shall be paid in the same manner as other expenses of such institution. Nothing contained in this section shall abridge the term of any manager now in office. (*Added by chapter 453 of the Laws of 1904.*)

§ 132-a. General powers and duties of managers.—The board of managers shall have the general superintendence, management and control of the institution over which it is appointed; of the grounds and buildings, officers and employes thereof; of the inmates therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof, and may make such rules and regulations as may seem to them necessary for carrying out the purposes of such institution. The board of managers of such institution shall appoint from among its members a president, secretary, and treasurer, who shall hold office for such length of time as such board may determine. They shall appoint a female superintendent, who shall hold office during the pleasure of the board. The board of managers shall fix the compensation of the officers and employes of the institution. The managers of such institution shall cause the females detained therein or under their care to be instructed in such branches of useful knowledge, and to be regularly and systematically employed in such lines of industry as shall be suitable to their years and capacities, and shall cause such females to be subjected to such discipline, as in the opinion of such board, is most likely to effect their reformation. The managers of such institution, with the consent of any female committed thereto, may bind out as an apprentice or servant, such female during the time they would be entitled to retain her, to such persons and at such places to learn such trade and employment as in their judgment will be for the future benefit and advantage of such female. (*Added by chapter 453 of the Laws of 1904.*)

§ 133. General powers of superintendent.—The superintendent of such institution shall, subject to the direction and control of the board of managers thereof:

1. Have the general supervision and control of the grounds and buildings of the institution, the subordinate officers and employes and the inmates thereof, and of all matters related to their government and discipline.

2. Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the board of managers, as may seem to her proper or necessary for the government of such institution and its officers and employes; and for the employment, discipline and education of the inmates thereof.

3. Exercise such other powers and perform such other duties as the board of managers shall prescribe.

Such superintendent shall also have power to appoint and remove all subordinate female officers and employes, subject to the approval of the board. Under the direction of such managers, she shall receive and take into such institution all females legally committed thereto by any court or magistrate having authority to make such commitment. (*Added by chapter 453 of the Laws of 1904.*)

§ 134. Oaths and bonds.—Each manager and superintendent of such institution shall take the constitutional oath of office and the superintendent shall execute a bond to the people of this state in the sum of five thousand dollars with sureties approved by the state comptroller, which shall be filed in the office of the comptroller. The manager appointed as treasurer of such institution shall give a bond in such amount as the comptroller may direct. The comptroller may require other officers of such institution to give a bond if in his opinion the interests of the state demand it. (*Added by chapter 453 of the Laws of 1904.*)

§ 135. Commitments; papers furnished by committing magistrates.

Subdivision 1. Whenever any female not over the age of sixteen years shall be brought before any court or committing magistrate, and it shall appear to the satisfaction of such court or magistrate by the confession of such female, or by competent testimony, that such female frequents reputed houses of prostitution or assignation, or frequents the company of thieves or prostitutes, or is found associating with vicious and dissolute persons, or is wilfully disobedient to parent or guardian, and is in danger of becoming morally depraved; or is of intemperate habits, or is a vagrant or is guilty of any criminal offense, and who is not insane, nor mentally or physically incapable of being substantially benefited by the training and discipline of such institution, she may be sentenced and committed to the New York state train-

ing school for girls, or placed in charge of the board of managers thereof to be there confined under the provisions of law relating to such institution, but no person under the age of twelve years shall be committed to such institution for any crime or offense less than a felony, and no commitment made under this act which shall recite the facts upon which it is based, shall be deemed or held to be invalid by reason of any imperfection or defect in form. No person shall be committed to such institution nor placed in charge of the board of managers thereof for a definite term, but any such person may be paroled or discharged at any time after her commitment, by the board of managers of such institution. Any such female under the age of fifteen years when so committed or placed in charge of the board of managers of said school, shall not be retained therein, or in charge of such board of managers, for a longer period than until she becomes of the age of eighteen; and such females, fifteen years of age or over, when so committed, shall not be detained for a period longer than three years from the time of such commitment.

2. The board of managers of such institution shall furnish the several county clerks of the state with suitable blanks for the commitment of females thereto. Such county clerks shall immediately notify the magistrates of their respective counties of the reception of such blanks and that upon application they will be furnished to them.

3. The magistrate committing a female, pursuant to this section, shall immediately notify the superintendent of the institution to which the commitment is made of the conviction of such female, and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offenses; the last place of residence of such female, and the particulars of the offense for which she is committed. The magistrate shall also execute a warrant of commitment, which shall recite the facts upon which it is based, and the name, age, birthplace, occupation, previous commitments, if any, and for what offenses, and the last place of residence of such female. This warrant of commitment shall be delivered to a person authorized by law to accompany such female to the institution, and shall be delivered by such person to the superintendent of such institution, who shall cause the facts stated therein, and such other facts as may be directed by the board of managers,

to be entered in a book of record. This warrant of commitment shall constitute the only paper requisite to a commitment to this institution. (*As amended by chapter 225 of the Laws of 1906.*)

4. Such magistrate shall, before committing any such female, inquire into and determine the age of such female at the time of commitment, and her age as so determined shall be stated in the warrant. The statement of the age of such female in such warrant shall be conclusive evidence as to such age, in any action to recover damages for her detention or imprisonment under such warrant, and shall be presumptive evidence thereof in any other inquiry, action or proceeding relating to such detention or imprisonment. If the court or magistrate shall omit to insert in the warrant of commitment the age of any delinquent committed to such school or house of refuge, the managers shall as soon as may be after such delinquent shall be received by them, ascertain her age by the best means in their power, and cause the same to be entered in a book to be designated by them for that purpose, and the age of such delinquent thus ascertained shall be taken to be the true age of such delinquent.

(*Added by chapter 453 of the Laws of 1904, and amended by chapter 225 of the Laws of 1906.*)

§ 136. Return of females improperly committed.—Whenever it shall appear to the satisfaction of the board of managers of such institution, that any person committed thereto is not of proper age to be so committed or is not properly committed, or is insane or mentally incapable of being materially benefited by the discipline of such institution, such board of managers shall cause the return of such female to the county from which she was so committed. Such female shall be so returned in the custody of one of the persons employed by such board of managers to convey to such institution females committed thereto, who shall deliver her into the custody of the sheriff of the county from which she was committed. Such sheriff shall take such female before the magistrate making the commitment, or some other magistrate having equal jurisdiction in such county, to be by such magistrate resented for the offense for which she was committed to such institution and dealt with in all respects as though she had not been so committed. The cost and expenses of the return of such female, necessarily incurred and paid by such board of managers shall be a charge against the county from which such female was com-

mitted, to be paid by such county to such board of managers in the same manner as other county charges are collected. (*Added by chapter 453 of the Laws of 1904.*)

§ 137. Disposition of children of females so committed.—If any female committed to such institution, at the time of such commitment is a mother of a nursing child in her care under one year of age, or is pregnant with child which shall be born after such commitment, such child may accompany its mother to and remain in such institution until it is two years of age and must then be removed therefrom. The board of managers of such institution may cause such child to be placed in any asylum for children in the state and pay for the care and maintenance of such child therein at a rate not to exceed two and one-half dollars a week until the mother of such child shall have been discharged from such institution, or may commit such child to the care and custody of some relative or proper person willing to assume such care. If such female at the time of such commitment, shall be the mother of and have under her exclusive care a child more than one year of age, which might otherwise be left without proper care or guardianship, the magistrate committing such female shall cause such child to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care. (*Added by chapter 453 of the Laws of 1904.*)

§ 138. Conveyance of females committed.—The board of managers of such institution shall employ suitable female persons to be known as marshals, to convey from the place of conviction to such institution, all females legally committed thereto, and such marshals shall have the power and authority of deputy sheriffs in respect thereto. All expenses necessarily incurred in making such conveyance shall be paid by the treasurer of the board of managers. (*Added by chapter 453 of the Laws of 1904.*)

§ 139. Detentions and rearrests in cases of escape.—The board of managers of such institution may detain therein, under the rules and regulations adopted by them, any female legally committed thereto, according to the terms of the sentence and commitment, and conditionally discharge such female at any time prior to the expiration of the term of commitment. If an inmate escape or be conditionally discharged from such institution, the board of managers may cause her to be rearrested and returned

to such institution, to be detained therein for the unexpired portion of her term, dating from the time of her escape or conditional discharge. A person employed by the board of managers of such institution to convey to such institution, females committed thereto, may arrest, without a warrant, an escaped inmate in any county in this state, and shall forthwith convey her to the institution from which she escaped; and a magistrate may cause an escaped inmate to be arrested and held in custody, until she can be removed to such institution, as in the case of her first commitment thereto. A person conditionally discharged from such institution may be arrested and returned thereto, upon a warrant issued by its president and secretary. Such warrant shall briefly state the reason for such arrest and return, and shall be directed and delivered to a person employed by such board of managers to convey to such institution females committed thereto, and may be executed by such person in any county of this state. (*Added by chapter 453 of the Laws of 1904.*)

§ 139-a. Employment of inmates.—The board of managers of such institution shall determine the kind of employment for females committed thereto and shall provide for their necessary custody and superintendence. The provisions for the safe keeping and employment of such females shall be made for the purpose of teaching such females a useful trade or profession and improving their mental and moral condition. Such board of managers may credit such females with a reasonable compensation for the labor performed by them, and may charge them with the necessary expenses of their maintenance and discipline, not exceeding the sum of two dollars per week. If any balance shall be found to be due such females at the expiration of their terms of commitment, such balance may be paid to them at the time of their discharge. To secure the safe keeping, obedience and good order of the females committed to such institution, the superintendent thereof, has the same powers as to such females, as keepers of jails and penitentiaries possess as to persons committed to their custody. (*Added by chapter 453 of the Laws of 1904.*)

§ 139-b. Clothing and money to be furnished discharged inmates.—The board of managers of such institution may, in their discretion, furnish to each inmate of such institution who shall be discharged therefrom, necessary clothing not exceeding twelve

dollars in value, or if discharged between the first day of November and the first day of April to the value of not exceeding eighteen dollars, and ten dollars in money, and a ticket for the transportation of one person from such institution to the place of conviction of such inmate, or to such other place as such inmate may designate, at no greater distance from such institution than the place of conviction. (*Added by chapter 453 of the Laws of 1904.*)

§ 139-c. Confinement of female juvenile delinquents under sentences by the courts of the United States.—The superintendent of the New York state training school for girls, at Hudson, shall receive and safely keep in such institution, subject to the regulations and discipline thereof, and the provisions of this article, any female not over the age of sixteen years convicted of any offense against the United States, under sentences of imprisonment in any court of the United States, sitting within this state, until such sentences be executed, or until such delinquent shall be discharged by due course of law, conditioned upon the United States supporting such delinquent and paying the expenses attendant upon the execution of such sentence. (*Added by chapter 453 of the Laws of 1904.*)

ARTICLE IX.

HOUSE OF REFUGE AND REFORMATORY FOR WOMEN.

Section 140. Names and location of house of refuge and reformatory for women.

141. Appointment of managers.

142. General powers and duties of managers.

143. Appointment and removal of officers and employes; compensation.

144. General powers of superintendents.

145. Oaths and bonds.

146. Commitments; papers furnished by committing magistrates.

147. Return of females improperly committed.

148. Disposition of children of women so committed.

149. Conveyance of women committed.

150. Detention and rearrests in case of escapes.

151. Employment of inmates.

152. Employment of counsel.

Section 153. Board of managers of Bedford reformatory to notify county clerks of completion thereof.

Section 140. Names and locations of house of refuge and reformatory for women.—The house of correction for women located at Albion is continued and shall be known as the western house of refuge for women. The reformatory for women located at Bedford is also continued and shall be known as the New York state reformatory for women. The house of refuge for women at Hudson shall be continued as the New York state training school for girls, as provided in article eight of the state charities law. No female over the age of sixteen years shall be committed to the New York state training school for girls after June first, nineteen hundred and four. All inmates of the house of refuge for women at Hudson on June first, nineteen hundred and four, unless transferred therefrom pursuant to the provisions of law, shall be subject to the custody and control of the board of managers of such institution, according to the provisions of law under which they were committed thereto. (*As amended by chapter 453 of the Laws of 1904.*)

§ 141. Appointment of managers.—Each such institution shall be under the control of its present board of managers, until others are appointed. Such boards shall consist of six managers to be appointed by the governor, by and with the advice and consent of the senate. All such managers shall be residents of the state, two shall be women and one a physician who has practiced his profession for ten years. The terms of the managers hereafter appointed shall be six years, except that the managers appointed to fill vacancies shall hold office for the unexpired terms of the managers whom they succeed. The term of office of one of such managers shall expire each year. If in any such institution there be less than six managers in office when this act takes effect, the governor shall appoint additional managers to make up the number of six, who shall be so classified by him that the term of one manager shall expire each year. Where the term of office of a manager of any such institution expires at a time other than the last day of December in any year, the term of office of his successor is abridged so as to expire on the last day of December, preceding the time when such term would otherwise expire, and the term of office of each manager thereafter appointed shall begin on the first day of January.

The governor may remove any manager, at any time, for cause, on giving to such manager a copy of the charges against him and an opportunity to be heard in his defense.

Such managers shall receive no compensation for their time or services; but the actual expenses necessarily incurred by them in the performance of their official duties shall be paid in the same manner as other expenses of such institution. Nothing contained in this section shall abridge the term of any manager now in office.

§ 142. General powers and duties of managers.—Each board of managers shall have the general superintendence, management and control of the institution over which it is appointed; of the grounds and buildings, officers and employes thereof; of the inmates therein, and of all matters relating to the government, discipline, contracts and fiscal concerns thereof, and may make such rules and regulations as may seem to them necessary for carrying out the purposes of such institutions. Each board of managers shall constitute a board of parole of the institution over which it is appointed, and shall have power to parole and discharge inmates as hereinafter provided. In the consideration of the parole or discharge of any inmate of the New York state reformatory for women at Bedford, the judge or magistrate who committed any female to such institution, when he so requests in writing, shall constitute a member of such board of parole in considering and determining the matter of the parole or discharge of such female committed by him. (*As amended by chapter 165 of the Laws of 1904.*)

§ 143. Appointment and removal of officers and employes; compensation.—The board of managers of each of such institutions shall appoint from among its members a president, secretary and treasurer, who shall hold office for such length of time as such board may determine.

They shall appoint a female superintendent, who shall hold office during the pleasure of the board.

Such boards of managers shall fix the compensation of the officers and employes of the institution under their charge. ent of each such institution shall, subject to the direction and ent of each such institution shall, subject to the direction and control of the board of managers thereof;

1. Have the general supervision and control of the grounds and buildings of the institution, the subordinate officers and employes and the inmates thereof, and of all matters relating to their government and discipline.

2. Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the board of managers, as may seem to her proper or necessary for the government of such institution and its officers and employes; and for the employment, discipline and education of the inmates thereof.

3. Exercise such other powers and perform such other duties as the board of managers may prescribe.

Such superintendents shall also have power to appoint and remove all subordinate female officers and employes, subject to the approval of the board.

§ 145. Oaths and bonds. Each manager and superintendent of such institutions shall take the constitutional oath of office and each superintendent shall execute a bond to the people of this state in the sum of five thousand dollars with sureties approved by the state comptroller, which shall be filed in the office of the comptroller. The manager appointed as treasurer of such institution shall give a bond in such amount as the comptroller may direct. The comptroller may require other officers of such institutions to give a bond if in his opinion the interests of the state demand it. (*As amended by chapter 49 of the Laws of 1900.*)

§ 146. Commitments; papers furnished by committing magistrate.

Subdivision 1.* A female between the ages of fifteen and thirty years, convicted by any court or magistrate of petit larceny, vagrancy under subdivision three or four of section eight hundred and eighty-seven of the code of criminal procedure, habitual drunkenness, of being a common prostitute, or frequenting disorderly houses or houses of prostitution, or of a misdemeanor, and who is not insane, nor mentally or physically incapable of

* By section 698 of the Penal Code women between the ages of fifteen and thirty, convicted of a felony for the first time, may be committed to the Houses of Refuge for Women or to the New York State Reformatory at Bedford, to be confined under the provisions of law relating to such institutions. See page 90.

being substantially benefited by the discipline of either of such institutions, may be sentenced and committed to the western house of refuge for women at Albion or the New York state reformatory for women at Bedford, to be there confined under the provisions of law relating to such institution. Such commitments shall not be for a definite term, but any such female may be paroled or discharged at any time after her commitment by the board of managers of such institution, but shall not in any case be detained longer than three years. Such commitments to the western house of refuge for women at Albion, shall be from the fourth, fifth, sixth, seventh and eighth judicial districts; to the New York state reformatory for women at Bedford, from the first, second and third judicial districts. (*As amended by chapter 632 of the Laws of 1899, and chapters 169 and 453 of the Laws of 1904.*)

2. The board of managers of each such institution shall furnish the several county clerks of the state with suitable blanks for the commitment of women thereto. Such county clerks shall immediately notify the magistrates of their respective counties of the reception of such blanks and that upon application they will be furnished to them. (*As amended by chapter 632 of the Laws of 1899.*)

3. The magistrate committing a female pursuant to this section shall immediately notify the superintendent of the institution to which the commitment is made of the conviction of such female, and shall cause a record to be kept of the name, age, birthplace, occupation, previous commitments, if any, and for what offenses; the last place of residence of such female, and the particulars of the offense for which she is committed. A copy of such record shall be transmitted, with the warrant of commitment, to the superintendent of such institution, who shall cause the facts stated therein, and such other facts as may be directed by the board of managers, to be entered in a book of record. (*As amended by chapter 632 of the Laws of 1899.*)

4. Such magistrate shall, before committing any such female, inquire into and determine the age of such female at the time of commitment, and her age as so determined shall be stated in the warrant. The statement of the age of such female in such warrant shall be conclusive evidence as to such age, in any action

to recover damages for her detention or imprisonment under such warrant, and shall be presumptive evidence thereof in any other inquiry, action or proceeding relating to such detention or imprisonment. (*As amended by chapter 632 of the Laws of 1899, and chapters 169 and 453 of the Laws of 1904.*)

NEW YORK CITY — UNAUTHORIZED CONVICTION OF A WOMAN AS A PUBLIC PROSTITUTE. A woman between the ages of fifteen and thirty years cannot be held in custody in the State Reformatory at Bedford, N. Y., under L. 1899, ch. 632, upon a warrant reciting her conviction by a city magistrate of the city of New York as a "public prostitute," for, if her offense was a misdemeanor, the city magistrate had no jurisdiction of it, while, if it was conduct that tended to a breach of the peace and not a misdemeanor, he could only hold her to bail for good behavior. *Supreme Court, June, 1902, People ex rel. Clark v. New York State Reformatory for Women*, 38 N. Y. Misc. 241.

NEW YORK CITY — CITY MAGISTRATE HAS NO JURISDICTION OF A MISDEMEANOR—CONSTRUCTION OF L. 1899, CH. 632—A STATUTORY OFFENSE, NOT DEFINED AS A FELONY, IS A MISDEMEANOR. A woman in the city of New York, between the ages of fifteen and thirty years, duly charged with violating L. 1882, ch. 410, § 1458, in that she was "loitering on Mott street, that being a public thoroughfare and public place, soliciting and importuning men passing in or along said thoroughfare or place, for the purpose of prostitution, to the great annoyance of the people," etc., and convicted by a magistrate in the city of New York after pleading not guilty, cannot be held in custody by the state reformatory at Bedford, N. Y., as the magistrate had no jurisdiction to try the offense, the same being a misdemeanor.

The contention of the people that, because the warrant recited that the information charged the woman with "disorderly conduct and being a prostitute and soliciting men for the purpose of prostitution in the public street," she must have been convicted of being a "common prostitute," under L. 1899, ch. 632, and that such an offense is not made by that statute and is not a misdemeanor, but is only a *quasi* criminal offense to be summarily dealt with, is not tenable.

Where an offense is created by statute it must be classed as a misdemeanor unless by its definition it comes under the head of a felony. It cannot be classed as either a felony or misdemeanor but as only a *quasi* criminal offense to be summarily dealt with, unless the statute expressly so authorizes. *Supreme Court, June, 1902, People ex rel. Smith v. New York State Reformatory for Women*, 38 N. Y. Misc. 243.

NEW YORK CITY — JURISDICTION OF MAGISTRATES — DISTINCTION BETWEEN "DISORDERLY CONDUCT" AND SUCH CONDUCT WHEN IT TENDS TO A BREACH OF THE PEACE — CONSTRUCTION OF L. 1899, CH. 632 — SUMMARY JURISDICTION OF MAGISTRATES. There is in the law no such offense as "disorderly conduct" simply, but where a woman of the city of New York is charged with "disorderly conduct, in that she did on the 27th day of December, 1901. solicit men for the purposes of prostitution" on a named public street of said city, there is a statement of disorderly conduct that tends to a breach of the peace, within L. 1882, ch. 410, § 1458, subd. 2, still in force.

Such an offense is a misdemeanor and where the woman pleads not guilty of it a city magistrate of said city cannot convict her of the offense, as the

Court of Special Sessions of said city has exclusive jurisdiction to hear and determine all charges of misdemeanor in said city except in a case where the accused is indicted before trial or the charge is prosecuted by indictment in the manner prescribed by L. 1895, ch. 601, § 14.

The statute, L. 1899, ch. 632, permitting women between the ages of fifteen and thirty years to be sentenced to the State Reformatory at Bedford, N. Y., on being "convicted by any magistrate * * * of being a common prostitute, of frequenting disorderly houses or houses of prostitution, or of a misdemeanor" was not intended to and did not create offenses or confer on magistrates of said city jurisdiction of misdemeanors or enlarge their existing jurisdiction, nor is jurisdiction of misdemeanors conferred on them by L. 1897, ch. 378, § 707.

The statutory jurisdiction of such magistrates, in regard to summary convictions, considered. *Supreme Court, June, 1902, People ex rel. Frank v. New York State Reformatory for Women*, 38 N. Y. Misc. 233; *Supreme Court, March, 1903, 80 App. Div. 448.*

CRIME — DISORDERLY CONDUCT UNDER SECTION 1458, NEW YORK CITY CONSOLIDATION ACT — COMMON PROSTITUTE — A MINOR OFFENSE — A PROSTITUTE MAY BE SUMMARILY CONVICTED BY A CITY MAGISTRATE OF NEW YORK AND PUNISHED AS PRESCRIBED IN SECTION 707 OF THE NEW YORK CITY REVISED CHARTER — SHE MAY NOT BE SENTENCED AS PRESCRIBED BY THE STATE CHARITIES LAW. Section 1458 of the Consolidation Act (Laws of 1882, chap. 410) which provides, "Every person in said city and county shall be deemed guilty of disorderly conduct that tends to a breach of the peace, who shall in any thoroughfare or public place in said city and county commit any of the following offenses, that is to say: * * * (2) Every common prostitute or nightwalker loitering or being in any thoroughfare or public place for the purpose of prostitution or solicitation, to the annoyance of the inhabitants or passers-by," is still in force in the present city of New York.

The offenses mentioned in the second subdivision of section 1458 of the Consolidation Act are not misdemeanors under the common law, but are minor offenses cognizable by the city magistrates who may summarily convict the offenders.

A female, between the ages of fifteen and thirty, convicted by a police magistrate of the offense of disorderly conduct as defined in subdivision 2 of section 1458 of the Consolidation Act, may, under the provisions of section 707 of the revised charter of the city of New York (Laws of 1901, chap. 466), be fined ten dollars, confined in a workhouse or penitentiary for six months or be compelled to give a bond for good behavior. She cannot, however, be so committed under section 146 of the State Charities Law (Laws of 1896, chap. 546, as amd. by Laws of 1899, chap. 632), which provides, "A female, between the ages of fifteen and thirty years, convicted by any magistrate of petit larceny, habitual drunkenness, of being a common prostitute, of frequenting disorderly houses or houses of prostitution, or of a misdemeanor, * * * may be sentenced and committed" to certain institutions for a period of three years or until discharged by the board of managers of such institutions, as that section does not relate to disorderly conduct as defined in section 1458 of the Consolidation Act, but to matters which are either misdemeanors or special proceedings of a criminal nature fully provided for by the Penal Code and by the Code of Criminal Procedure. *Supreme Court, June, 1902, People ex rel. Frank v. New York State Reformatory for Women;*

Supreme Court, June, 1902, People ex rel. Clark v. Same, and Supreme Court, June, 1902, People ex rel. Smith v. Same, 80 App. Div. 448.

THE STATE CHARITIES LAW—JURISDICTION OF NEW YORK CITY MAGISTRATE TO SENTENCE WOMEN TO STATE REFORMATORY AT BEDFORD UNDER SECTION 146 THEREOF—CONVICTION MUST BE FOR OFFENSES ENUMERATED THEREIN. Under section 146 of the State Charities Law (L. 1896, ch. 546, as amd. by L. 1899, ch. 632), providing that, "A female, between the ages of fifteen and thirty years, convicted by any magistrate of petit larceny, habitual drunkenness, of being a common prostitute, of frequenting disorderly houses or houses of prostitution, or of a misdemeanor, and who is not insane, nor mentally or physically incapable of being substantially benefited by the discipline of either of such institutions, may be sentenced and committed to * * * the New York State Reformatory for Women at Bedford," a magistrate of the city of New York has no jurisdiction to sentence a woman to such reformatory unless she is convicted of one or more of the offenses enumerated therein; and a conviction thereunder is improper where it is impossible to determine, from the records and papers relating to the conviction and sentence returned upon writs of habeas corpus and certiorari allowed in her behalf, whether she was convicted of being a prostitute, either "public" or "common," assuming these terms to be practically synonymous, or on the charge of "disorderly conduct;" but, assuming that it is reasonably certain that the magistrate intended to convict the relator of "disorderly conduct," then the conviction is not a valid conviction for a misdemeanor, and, therefore, within the purview of the State Charities Law, unless the offense complained of constitutes a misdemeanor as defined by law; and where the record fails to show that the disorderly conduct complained of comes within the meaning of section 1458 of the Consolidation Act, which seems to have been incorporated into the Greater New York charter, or that of section 675 of the Penal Code, relating to the offense of disorderly conduct, so that it constitutes the offense of "disorderly conduct," as therein defined, and, therefore, is a misdemeanor, the relator is properly discharged from custody. *Court of Appeals, November, 1903, People ex rel. Clark v. New York State Reformatory for Women, 176 N. Y. 465; Supreme Court, June, 1902, People ex rel. Clark v. New York State Reformatory for Women, 80 App. Div. 448, affirmed.*

§ 147. Return of females improperly committed.—Whenever it shall appear to the satisfaction of the board of managers of any such institution, that any person committed thereto is not of proper age to be so committed or is not properly committed, or is insane or mentally incapable of being materially benefited by the discipline of any such institution, such board of managers shall cause the return of such female to the county from which she was so committed. Such female shall be so returned in the custody of one of the persons employed by such boards of managers to convey to such institutions women committed thereto, who shall deliver her into the custody of the sheriff of the county from which she was committed. Such sheriff shall take such

female before the magistrate making the commitment, or some other magistrate having equal jurisdiction in such county, to be by such magistrate resented for the offense for which she was committed to any such institution and dealt with in all respects as though she had not been so committed.

The cost and expenses of the return of such female, necessarily incurred and paid by any such board of managers shall be a charge against the county from which such female was committed, to be paid by such county to such board of managers in the same manner as other county charges are collected.

§ 147-a. Transfers to other institutions.—If at any time there shall be more inmates in any of such institutions than can be properly cared for therein, the board of managers shall so inform the state board of charities. The state board of charities may thereupon authorize and direct the transfer of such excess, or any part of such excess of inmates to such one of the other houses of refuge or state reformatories as the state board of charities may designate. The said board of managers shall thereupon transfer to such other institution such number of inmates, preferably those last received by such institution. Such transfers shall be made as follows: The board of managers shall advise the superintendent of the institution so designated of the number to be so transferred, and this officer shall cause them to be taken to such institution and receive and keep them according to their sentences respectively, the same as if they had been originally sentenced thereto. With the inmates so transferred there shall be furnished certified copies of their sentences and commitments. (*Added by chapter 169 of the Laws of 1904.*)

§ 148. Disposition of children of women so committed.—If any woman committed to any such institution, at the time of such commitment is a mother of a nursing child in her care under one year of age, or is pregnant with child which shall be born after such commitment, such child may accompany its mother to and remain in such institution until it is two years of age and must then be removed therefrom.

The board of managers of any such institution may cause such child to be placed in any asylum for children in this state and pay for the care and maintenance of such child therein at a rate not to exceed two and one-half dollars a week, until the mother of such child shall have been discharged from such institution,

or may commit such child to the care and custody of some relative or proper person willing to assume such care.

If such woman, at the time of such commitment, shall be the mother of and have under her exclusive care a child more than one year of age, which might otherwise be left without proper care or guardianship, the magistrate committing such woman shall cause such child to be committed to such asylum as may be provided by law for such purposes, or to the care and custody of some relative or proper person willing to assume such care.

§ 149. Conveyance of women committed.—The board of managers of each such institutions shall employ suitable persons to be known as marshals, to convey from the place of conviction to such institution, all women legally committed thereto, and such marshals shall have the power and authority of deputy sheriffs in respect thereto. All expenses necessarily incurred in making such conveyance shall be paid by the treasurer of the board of managers. In case of the commitment of a woman, who, at the time thereof, is the mother of a nursing child or is pregnant, the board of managers shall designate a woman of suitable age and character to accompany the person so committed, along with the officer or representative, authorized in this section to be employed by such managers.

§ 150. Detentions and rearrests in cases of escapes.—The board of managers of any such institution may detain therein, under the rules and regulations adopted by them, any female legally committed thereto, according to the terms of the sentence and commitment, and conditionally discharge such female at any time prior to the expiration of the term of commitment.

If an inmate escape or be conditionally discharged from any such institution, the board of managers may cause her to be rearrested and returned to such institution, to be detained therein for the unexpired portion of her term, dating from the time of her escape or conditional discharge. A person employed by the board of managers of any such institution to convey to such institution, women committed thereto, may arrest, without a warrant, an escaped inmate in any county in this state, and shall forthwith convey her to the institution from which she escaped; and a magistrate may cause an escaped inmate to be arrested

and held in custody, until she can be removed to such institution, as in the case of her first commitment thereto.

A person conditionally discharged from any such institution may be arrested and returned thereto, upon a warrant issued by its president and secretary. Such warrant shall briefly state the reason for such arrest and return, and shall be directed and delivered to a person employed by such board of managers to convey to such institutions, women committed thereto, and may be executed by such person in any such county of this state.

§ 151. Employment of inmates.—The board of managers of each institution shall determine the kind of employment for women committed thereto and shall provide for their necessary custody and superintendence. The provisions for the safe keeping and employment of such women shall be made for the purpose of teaching such women a useful trade or profession and improving their mental and moral condition.

Such board of managers may credit such women with a reasonable compensation for the labor performed by them, and may charge them with the necessary expenses of their maintenance and discipline, not exceeding the sum of two dollars per week. If any balance shall be found to be due such women at the expiration of their terms of commitment, such balance may be paid to them at the time of their discharge.

To secure the safe keeping, obedience and good order of the women committed to any such institution, the superintendent thereof, has the same power as to such women, as keepers of jails and penitentiaries possess as to persons committed to their custody.

§ 152. Clothing and money to be furnished discharged inmates.—The board of managers of any such institution may, in their discretion, furnish to each inmate of such institution who shall be discharged therefrom, necessary clothing not exceeding twelve dollars in value, or if discharged between the first day of November and the first day of April to the value of not exceeding eighteen dollars, and ten dollars in money, and a ticket for the transportation of one person from such institution to the place of conviction of such inmate, or to such other place as such inmate may designate, at no greater distance from such institution than the place of conviction.

§ 153. Board of managers of Bedford reformatory to notify county clerks of completion thereof.—As soon as the Bedford Reformatory for Women is completed and ready for the reception of inmates, the board of managers thereof shall notify the county clerks of Westchester and New York counties and furnish such clerks with suitable blanks for the commitment of women to such institution. Such county clerks, on the reception of such notification, shall transmit a copy thereof to the several magistrates of such counties.

ARTICLE X.

THE THOMAS INDIAN SCHOOL.

Section 160. Establishment of asylum.

- 161. Board of managers.
- 162. Powers and duties of the board.
- 163. Officers; salaries.
- 164. Superintendent, powers and duties.
- 165. Treasurer, powers and duties.

Section 160. Establishment of school.—The Thomas Indian School, established on the Cattaraugus reservation in the county of Erie, is hereby continued.

Such asylum may sue and be sued in the corporate name of "The Thomas Indian School," and service of process and papers may be made upon the superintendent or any manager of such asylum. (*As amended by chapter 87 of the Laws of 1905.*)

§ 161. Board of managers.—Such asylum shall be under the control and management of a board of managers, consisting of ten members, three of whom shall be Seneca Indians. Such managers and their successors shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold their office for six years, and until others are appointed in their stead, subject to removal for cause by the governor. If any manager fails, without being excused by vote of the board, for one year, to attend the regular meeting of the board of which he is a member, his office shall become vacant. A certificate of every such failure shall forthwith be transmitted by the board to the governor, and all vacancies caused by removal or expi-

ration of office or otherwise shall be filled by the governor, by and with the consent of the senate.

§ 162. Powers and duties of board of managers.—The board of managers shall have the general direction and control of all the property and concerns of such asylum, not otherwise provided for by law. They may acquire and hold, in the name of and for the people of the state of New York, property, by grant, gift, devise or bequest, except reservation lands, which may be held by those managers who are Seneca Indians, to be applied to the maintenance of orphan and destitute Indian children, and the general use of the asylum. They shall not receive any compensation for their services, but shall receive actual and necessary traveling expenses for attending the regular meetings of the board, as prescribed by the by-laws of said asylum. They shall:

1. Adopt, with the approval or consent of the state board of charities, by-laws for the regulation and management of said asylum, and regulating the appointment and duties of officers, assistants and employes of the asylum, and ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the same.

2. Take care of the general interests of the asylum, and see that its design is carried into effect according to law, and its by-laws, rules and regulations. They shall, on application, receive destitute and orphan Indian children from any of the several reservations located within this state, and shall furnish them such care, moral training, and education, and such instruction in husbandry, and the arts of civilization as shall be prescribed by their by-laws, rules and regulations.

3. Keep in a book provided for that purpose, a fair and full record of their doings, which shall be open at all times to the inspection of the governor, the state board of charities or any person appointed to examine the same by the governor, the state board of charities, or either house of the legislature.

4. Maintain an effective inspection of the asylum, for which purpose a committee of the board, consisting of at least four members thereof, shall visit the asylum at least bi-monthly, and the whole board at least twice a year, and at such other times as may be prescribed by the by-laws.

5. Enter in a book kept by them for that purpose, the date of each visit, the condition of the asylum and the children therein, and its property, and all such managers present shall sign such entries.

6. Make, annually, on or before the fifteenth day of January, a report to the legislature of the condition of said asylum, including a true account, in detail, of the receipts and disbursements of all moneys that shall come into their hands, or under their control, the number, age and sex of such destitute orphan children in said asylum, with the name of the reservation to which they belong, and the proportion of the year each has been maintained and instructed in said asylum, and such suggestions and recommendations as they may deem proper, or which may be required of them by the state board of charities.

§ 163. Officers; salaries.—Such board shall appoint for the asylum, as often as necessary, and for cause, after an opportunity to be heard, remove:

1. A superintendent, a matron, and a well-educated physician, who shall be a graduate of an incorporated medical college.

2. A treasurer, who shall give a bond to the people of the state for the faithful performance of his trust, with such sureties, and in such amount as the comptroller of the state shall approve.

The superintendent, matron, and other assistants shall constantly reside in the asylum, or on the premises, and shall be designated the resident officers of the asylum. The physician shall visit said asylum at such times, and perform such duties as shall be prescribed by the by-laws, rules and regulations of the asylum. Such board shall also, from time to time, with the approval of the state board of charities, fix the annual salaries and allowances of such officers. Such salaries shall be paid in equal monthly installments by the treasurer on the warrant of the board of managers, countersigned by the superintendent thereof, and certified as correct.

§ 164. Superintendent, powers and duties.—The superintendent shall be the chief executive officer of such asylum, and in his absence or sickness, the matron shall perform the duties, and be subject to the responsibilities of the superintendent. Subject to the by-laws, rules and regulations established by the board of

managers, such officers shall have the general superintendence of the buildings, grounds, and farm, together with their furniture, fixtures and stock, and shall:

1. Daily ascertain the condition of all the children and prescribe their conduct.

2. Appoint, with the approval of the board of managers, the other resident officers, assistants and employes not otherwise provided for, that he may think necessary for the economical and efficient performance of the business of the asylum, and prescribe their duties, and he may discharge them at his discretion.

3. Cause full and fair accounts and records of all his doings, and of the entire business and operation of the asylum to be kept regularly, from day to day, in books provided for that purpose.

4. See that all such accounts and records are justly made up for the annual report to the legislature, as required by this act, and present the same to the board of managers, who shall incorporate them into their report to the legislature.

5. Keep in a book, in which he shall cause to be entered, at the time of the reception of any child, his name, age, residence, and the names of his parents (if any), to what reservation and tribe he belongs, and the date of such reception, and by whom brought, and the condition of the general health of such child.

§ 165. Treasurer, powers and duties.—The treasurer shall have the custody of all moneys, obligations and securities belonging to the asylum. He shall:

1. Open with some good and solvent bank, conveniently near the asylum, an account in his name as such treasurer, and deposit all moneys, upon receiving the same, therein, and draw from the same in the manner prescribed by the by-laws, specifying the object of payment.

2. Keep a full and accurate account of all receipts and payments in the manner directed by the by-laws, and such other accounts as the board of managers shall prescribe, render a statement to the board of managers whenever required by them.

ARTICLE XI.

Section 170. Laws repealed.

171. When to take effect.

Section 170. Laws repealed.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

§ 171. When to take effect.—This chapter shall take effect on October first, eighteen hundred and ninety-six.

SCHEDULE OF LAWS REPEALED.

Laws of—	Chapter.	Sections.
1846.	143.	All.
1850.	24.	All.
1851.	502.	All.
1852.	387.	All.
1853.	159.	All.
1853.	608.	All.
1855.	163.	All.
1861.	306.	All.
1862.	220.	All.
1867.	739.	All.
1867.	951.	All.
1873.	571.	All.
1875.	228.	All.
1878.	72.	All.
1879.	109.	All.
1881.	187.	All.
1885.	281.	All.
1886.	539.	All.
1888.	404.	All.
1890.	238.	All.
1891.	51.	All.
1891.	216.	All.
1891.	375.	All.
1892.	637.	All, except § 5.
1892.	704.	All.
1893.	635.	All.

Laws of—	Chapter.	Sections.
1894.	363.	All.
1895.	13.	All.
1895.	38.	All, except § 9.
1895.	59.	All.
1895.	253.	All.
1895.	439.	All.
1895.	771.	All.

THE STATE INDUSTRIAL SCHOOL, ROCHESTER.

AN ACT to amend chapter five hundred and thirty-nine of the laws of eighteen hundred and eighty-six, entitled "An act changing the name of the 'Western House of Refuge for Juvenile Delinquents in Western New York,' to 'The State Industrial School,' and relating to discipline and instruction therein, and commitments thereto, and making an appropriation therefor."

Chapter 470, Laws of 1893.

Section 1. Section three of chapter five hundred and thirty-nine of the laws of eighteen hundred and eighty-six is hereby amended to read as follows:

§ 3. It shall be lawful for the board of managers of the state industrial school to receive into said school all male children who have heretofore been, or who may hereafter be, sentenced to the western house of refuge for juvenile delinquents, or to the house of refuge for juvenile delinquents in western New York or to the state industrial school, and to retain the same, subject to the rules and regulations of said institution, and said board of managers shall have the right, and it shall be their duty to receive and detain all such persons committed to their custody, and such right and duty shall not be affected, prejudiced or impaired by reason of, or in consequence of, any technical defect or clerical error in the warrant of commitment. The several courts having criminal jurisdiction and who shall hold criminal courts in all the counties of this state, except the counties of New York and Kings, are hereby authorized to sen-

tence male juvenile delinquents convicted in any of such courts to such state industrial school. (*As amended by chapter 221 of the Laws of 1904.*)

COMMITMENTS TO THE STATE INDUSTRIAL SCHOOL,
THE HOUSE OF REFUGE ON RANDALL'S ISLAND, AND
THE NEW YORK STATE TRAINING SCHOOL FOR
GIRLS.

Provisions of the Penal Code.

§ 701. House of refuge, State industrial school, and New York state training school for girls.—Where a male person under the age of twelve years is convicted of a crime amounting to felony, or where a male person of twelve years and under the age of sixteen years is convicted of a crime, the trial court may, instead of sentencing him to imprisonment in a state prison or in a penitentiary, direct him to be confined in a house of refuge under the provisions of the statute relating thereto. Where the conviction is had and the sentence is inflicted in the first, second or third judicial district, the place of confinement must be a house of refuge established by the managers of the society for the reformation of juvenile delinquents in the city of New York; where the conviction is had and the sentence inflicted in any other district, the place of confinement must be in the state industrial school. Where a female person not over the age of twelve years is convicted of a crime amounting to felony, or where a female person of the age of twelve years and not over the age of sixteen years is convicted of a crime, the trial court may, instead of sentencing her to imprisonment in a state prison or in a penitentiary, direct her to be confined in the New York state training school for girls, under the provisions of the statute relating thereto. But nothing in this section shall affect any of the provisions contained in section seven hundred and thirteen. (*As amended by chapter 554 of the Laws of 1896, and chapter 388 of the Laws of 1904.*)

§ 713. Disposition to be made of persons under sixteen convicted of crime.—When a person under the age of sixteen is con-

victed of a crime, he may, in the discretion of the court, instead of being sentenced to fine or imprisonment, be placed in charge of any suitable person or institution willing to receive him, and be thereafter, until majority or for a shorter term, subjected to such discipline and control of the person or institution receiving him as a parent or guardian may lawfully exercise over a minor. A child under sixteen years of age committed for misdemeanor, under any provisions of this code, must be committed to some reformatory, charitable or other institution authorized by law to receive and take charge of minors. And when any such child is committed to an institution, it shall, when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child. (*As amended by chapter 46 of the Laws of 1884.*)

COMMITMENTS TO HOUSES OF REFUGE AND THE NEW YORK STATE REFORMATORY FOR WOMEN AT BEDFORD.

Provisions of the Penal Code.

§ 698. Imprisonment of female convict.—Any woman over the age of sixteen years, who shall be convicted of a felony in any of the courts of this state, shall, when the sentence imposed is one year or more, be sentenced to imprisonment in the state prison for women at Auburn. When the sentence imposed is less than one year, she may be committed to the county jail of the county where convicted, or to a penitentiary, or to the state prison for women at Auburn. A woman between the ages of fifteen and thirty, convicted of a felony, who has not theretofore been convicted of a crime punishable by imprisonment in a state prison, may in the discretion of the trial court be sentenced to a house of refuge or reformatory for women, to be there confined under the provisions of law relating to such house of refuge or reformatory. (*As amended by chapter 114 of the Laws of 1900.*)

AN ACT to amend the Greater New York charter, relative to commitments to the state reformatory for women at Bedford.

Chapter 610, Laws of 1905.

Section 1. Chapter fourteen of the Greater New York charter, as reenacted by chapter four hundred and sixty-six of the laws of nineteen hundred and one, is hereby amended by inserting therein a new section to be known as section seven hundred and seven-a, and to read as follows:

COMMITMENTS TO STATE REFORMATORY FOR WOMEN AT BEDFORD.

§ 707-a. Whenever a woman between the ages of sixteen and thirty is convicted in the city of New York of habitual drunkenness, of being a common prostitute, of soliciting on public streets or places for purposes of prostitution, of frequenting disorderly houses or houses of prostitution, or of vagrancy under subdivisions three or four of section eight hundred and eighty-seven of the code of criminal procedure, she may be committed to the state reformatory for women at Bedford, pursuant to the provisions of section one hundred and forty-six of the state charities law, to be there confined subject to the provisions of such law and of any other statute relating to such reformatory.

NEW YORK STATE SOLDIERS AND SAILORS' HOME,
BATH. THE PUBLIC BUILDINGS LAW.

Chapter 227, Laws of 1893.

* * * * *

ARTICLE IV.

NEW YORK STATE SOLDIERS AND SAILORS' HOME.

Section 40. Trustees.

41. Powers of trustees.
42. Admission to home.
43. Transfer of inmates to state hospital.
44. Annual report.

Section 40. Trustees.—The property heretofore conveyed to the state by the corporation known as the Grand Army of the Republic Soldiers' Home of New York, and all property heretofore or hereafter acquired by the state for the same purpose, shall continue to be known as the New York State Soldiers and Sailors' Home, and shall continue to be under the management and control of a board of trustees consisting of twelve members, of which the governor, attorney-general and the commander of the department of New York, Grand Army of the Republic, shall be *ex officio* members; and the remaining nine members shall be reputable citizens of the state appointed by the governor, by and with the advice and consent of the senate, and each shall hold office for three years. No trustee shall receive any compensation for his services as such trustee or otherwise, except the trustee elected to act as secretary who may receive a reasonable annual compensation for his services, to be fixed by the board, with the approval of the comptroller, not exceeding the sum of two hundred and fifty dollars. The board shall annually elect by ballot a president, secretary, treasurer and executive committee, but the offices of secretary and treasurer may be held by one trustee or separately as the board may determine. The board shall be known as the board of trustees of the New York State Soldiers and Sailors' Home. (*As amended by chapter 108 of the Laws of 1903.*)

§ 41. Powers of trustees.—The board of trustees shall have possession of all property belonging to or constituting such home and may complete the buildings therein already commenced or hereafter to be erected, and keep them in readiness for occupation with any funds appropriated therefor or that may come into their hands for such purpose, and may pay any existing indebtedness of such corporation which shall be or might become a lien upon such property or any part thereof. The board may make contracts in its name, subject to the approval of the comptroller, for work and materials for the completion of the buildings on such property, the furnishing thereof and of supplies for use and consumption therein, but shall spend no money and incur no indebtedness for such purpose beyond the appropriation previously made therefor by the legislature. It may adopt rules and

regulations, subject to like approval, specifying the duties of the officers of the home, the government of its inmates, fixing the terms and conditions of admission thereto and the cause and manner of expulsion therefrom. The board may require and take in its name any security by way of bond or otherwise from any person appointed or elected by it, for the faithful performance of his duties, and for truly accounting for all moneys or property received by him, for or on account of the board of trustees or in the performance of such duties. And the said board shall have power to organize and maintain a band, the same to be paid for out of the maintenance funds of the home, not exceeding six thousand dollars per annum. (*As amended by chapter 32 of the Laws of 1905.*)

§ 42. Admission to home.—Every honorably discharged soldier or sailor who served in the army or navy of the United States during the late rebellion, who enlisted from the state of New York, or who shall have been a resident of this state for one year preceding his application for admission, and who shall need the aid or benefit of such home in consequence of physical disability or other cause within the scope of the regulations of the board, shall be entitled to admission thereto, subject to the conditions, limitations and penalties prescribed by the rules and regulations of the board.

§ 43. Transfer of inmates to state hospital.—Any soldier or sailor regularly admitted into the home found to be insane, may be transferred by an order of the president and secretary of the board of trustees and the superintendent of the home to any state hospital for the insane, there to remain at the expense of the home until legally discharged, and such expense shall be paid out of the maintenance fund of the home, at the same rate as is charged for the support of the county insane.

§ 44. Annual report.—Such board shall, annually, on or before January fifteenth, make to the legislature a detailed report of all its receipts and expenditures and of all its proceedings for the previous year, with full estimates for the coming year verified by the president and treasurer.

(*This chapter repealed chapter 48 of the Laws of 1878; also chapter 407 of the Laws of 1879.*)

**SALE OF ALE AND BEER AT THE NEW YORK STATE SOLDIERS AND
SAILORS' HOME, BATH.**

AN ACT authorizing the sale of ale and beer upon the premises of the New York State Soldiers and Sailors' Home of Bath, New York, and providing for the expenditure of the net proceeds therefrom.

Chapter 900, Laws of 1896.

Section 1. The trustees of the New York Soldiers and Sailors' Home at Bath, New York, upon complying with the provisions of chapter one hundred and twelve, laws of eighteen hundred and ninety-six, of the state of New York, are hereby authorized to sell ale and beer to the members of said home, upon the premises of said home, under such rules and regulations as said trustees shall prescribe, and the provisions of clause one, section twenty-four and clause six of section thirty of said chapter one hundred and twelve of the laws of eighteen hundred and ninety-six shall not apply to such New York State Soldiers and Sailors' Home.

§ 2. The said trustees shall expend the net proceeds of such sales for the support of the library and reading-room of said home and for such other purposes as they shall deem best for the comfort and amusement of the members of said home.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

**EXEMPTED FROM THE MANAGEMENT AND CONTROL OF STATE BOARD
OF CHARITIES.**

AN ACT relating to the state board of charities and their control and management of the New York State Soldiers and Sailors' Home.

Chapter 769, Laws of 1900.

Section 1. Soldiers and sailors' home exempted.—The New York state soldiers and sailors' home is hereby exempted from the management and control of the state board of charities and in respect to said institution said board are hereafter only to exercise their constitutional right to visit and inspect.

§ 2. Repeal.—All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

NEW YORK STATE WOMAN'S RELIEF CORPS HOME, OXFORD.

AN ACT to provide for the establishment of a home for the aged and dependent veteran and his wife, veterans' mothers, widows, and army nurses, residents of New York.

Chapter 468, Laws of 1894.

Section 1. Establishment of home.—There shall be established in this state a home for the aged dependent veteran and his wife, veterans' mothers, widows, and army nurses, which shall be located within the state at a point which shall be determined as hereinafter provided, said home to be known as "New York State Woman's Relief Corps Home." (*As amended by chapter 47 of the Laws of 1897.*)

§ 2. Board of managers.—It shall be the duty of the governor within thirty days after the passage of this act, by and with the advice and consent of the senate, to appoint nine residents of the state, six of whom shall be women and three men, to constitute a board of managers of said home who shall hold office, three for two, three for four, and three for six years, respectively, as shall be indicated by the governor on making the appointment, and thereafter all appointments except to fill vacancies in said board shall be for six years and shall be made by the governor with the advice and consent of the senate. A majority of the board of managers shall be appointed from the members of the grand army of the republic of the department of New York and the women's relief corps, auxiliary to the grand army of the republic, department of New York. Whenever a vacancy occurs in said board after the expiration of a term of office or by resignation or removal or otherwise, the governor shall appoint a resident of the state to fill such vacancy, but when an appointment shall be made to fill an unexpired term, the governor shall so indicate at the time of making the appointment, and the person so appointed shall hold office only until the close of the unexpired term, and appointments shall be so made that there will be at all times six women and three

men as members of said board. (*As amended by chapter 451 of the Laws of 1906.*)

§ 3. Official oath.—Before entering on their duties the said managers shall respectively take and subscribe to the usual oath of office, which oath may be taken and subscribed before the judge of any court of record of this state, or any notary public having a seal, and shall be filed in the office of the secretary of state.

§ 4. Compensation and expenses.—Said managers shall receive no compensation for their time of services, but the actual and necessary expenses of each of them while engaged in the performance of his or her office, and any expenses of said board incurred in the performance of the duties imposed by this act, on being presented in writing and verified by affidavit, shall be paid by the treasurer of said board of managers.

§ 5. Organization of board.—It shall be the duty of said board of managers immediately after their appointment to meet and organize by the election of a president, secretary and an executive committee from their number. (*As amended by chapter 451 of the Laws of 1906.*)

§ 6. Report to legislature.—Said board of managers shall annually on or before January fifteenth, make to the legislature a detailed report of its proceedings for the preceding fiscal year, together with a complete statement of its receipts and expenditures, the condition of the institution, and full estimates of the appropriation required for its maintenance including therein ordinary repairs. It shall also include in its report a statement of any special appropriations required and the reasons therefor. (*As amended by chapter 451 of the Laws of 1906.*)

§ 7. Purchase of site and erection of building.—Whenever any site shall have been selected, and contract for the purchase of the same made and approved by the legislature, and an appropriation for the payment thereof, and the erection of the buildings thereon made by the legislature of this state, it shall be the duty of said board of managers to purchase such site and to erect suitable buildings thereon for the care, maintenance and relief of aged dependent veterans and their wives, veterans' mothers, widows, and army nurses who, from any cause, need

the care and benefits of a home, and to do all things necessary and requisite in the premises.

§ 8. Admission to home.—Whenever said lands shall have been purchased, buildings erected and said home ready for occupancy, every honorably discharged soldier or sailor who served in the army or navy of the United States during the late rebellion, or who enlisted from the state of New York, or who shall have been a resident of this state for one year preceding the application for admission, and the wives, widows and mothers of any such honorably discharged soldier or sailor, and army nurses who served in said army or navy and whose residence was at the time of the commencement of such service or whose residence shall have been for one year preceding his or her application for admission to said home, within the state of New York, or who shall need the aid or benefit of said home in consequence of physical disability or other cause within the scope of the regulations of the board, shall be entitled to admission to said home, subject to the conditions, limitations and penalties prescribed by the rules and regulations adopted by said board. Provided, however, said soldier or sailor shall be a married man and shall be accompanied or attended by his wife during the time he may be an inmate of said home, but no wife or widow of a soldier or sailor shall be admitted as an inmate of said home unless due and sufficient proof is presented of her marriage to such soldier or sailor prior to the year eighteen hundred and eighty.

§ 9. Powers of the board of managers.—The board of managers shall have charge of all of the affairs of the institution, with power to make all necessary by-laws, rules, and regulations, for its government and proper management, and for the admission and discharge of inmates. It shall have power to select a treasurer, to appoint and remove a superintendent of the institution, who shall be its chief executive officer. It shall also have power to appoint such other subordinate officers as may be necessary, and for just cause remove any or all of them from office. Under proper rules and regulations and in accordance with the provisions of the civil service law they may delegate the power to

hire and discharge subordinate employees to the superintendent. (*Added by chapter 451 of the Laws of 1906.*)

§ 10. Record.—The board of managers shall keep in a book provided for that purpose and kept in the institution, a fair and full record of the doings of the board, which shall be open at all times to the inspection of its members and such other persons and officers of the state as are by law vested with the powers of visitation and inspection, or appointed by the governor, the legislature, or other competent authority to make an inspection or investigation of the institution. (*Added by chapter 451 of the Laws of 1906.*)

THE THOMAS INDIAN SCHOOL, IROQUOIS.

AN ACT to authorize the transfer of Indian children from the Thomas Indian school to other asylums, hospitals or institutions for the custody and care of orphan, dependent or sick children, and to provide for their care, support and treatment therein.

Chapter 242, Laws of 1896.

Section 1. Transfers.—Whenever the number of Indian children in The Thomas Indian school, on the Cattaraugus Reservation, duly admitted thereto, shall be in excess of its proper capacity or the applications for admission of such Indian children to such asylum shall exceed its proper accommodations therefor, or whenever, in the opinion of the trustees of such asylum, the comfort and well being of any such Indian children therein will likely be promoted by their removal to other asylums, hospitals or institutions for the custody, care and treatment of orphan, dependent or sick children, they may, with the approval of the state board of charities, contract with the managers or other authorities of such asylums, hospitals or institutions as they may deem desirable for the reception, care and treatment of such Indian children, as may, from time to time, be transferred thereto, at a fixed weekly per capita rate not exceeding two dollars, except in the case of sick children requiring hospital treatment and care, when the fixed weekly per capita rate shall not exceed three dollars. The sum of two thousand dollars or so much thereof as

may be necessary is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purpose of this act. (*As amended by chapter 67 of the Laws of 1905.*)

**NEW YORK STATE INSTITUTION FOR THE BLIND, BATAVIA
(THE NEW YORK STATE SCHOOL FOR THE BLIND).**

**AN ACT to authorize the establishment of the New York State
Institution for the Blind.**

Chapter 587, Laws of 1865.

Section 10. Trustees.—As soon as suitable accommodations shall be provided, the governor shall, by and with the consent of the senate, appoint nine trustees, two from the first judicial district and one from each of the other judicial districts, who shall take charge of said institution. Such trustees shall serve without pay, and shall hold their offices for three years and until others are appointed.

§ 11. Admission to asylum.—Application for admission into such institution shall be made to a justice of the supreme court or of the court of common pleas or to a county judge in the county where such applicant shall reside. Such justice or judge shall hear the application and make due inquiry into the pecuniary circumstances of such applicant, or of the parents or guardians thereof, and if it shall be proved to his satisfaction that such person or the parents or guardians of such person are unable to pay for the support thereof, and that such county is entitled to send such person to such institution, he may make his order to that effect, and thereupon such person shall be sent to and admitted into such institution for a term not exceeding seven years.

§ 12. Preference to soldiers' children.—The persons who shall be entitled to the benefits of this institution shall be admitted in the order of their application for admission, except that the blind children of those who shall have died in the military service of the United States, or from wounds or injuries received therein during the present rebellion, shall in all cases have a

preference; except however that each county shall be entitled to admission for its blind population in indigent circumstances in the same proportion which the whole number of its blind population shall bear to the whole blind population of the state, which proportion shall be determined by the trustees; provided however, that for each person sent by any county, such county shall pay the annual sum of fifty dollars towards the support of such person.

§ 13. Power of trustees.—Said trustees shall, as soon after their appointment as may be, meet and organize by choosing one of their number as president and appointing a secretary. They shall have power to make by-laws and rules and regulations for the transaction of their business, and for the regulation and management of said institution, which institution shall be wholly under their control; and as soon as may be necessary, they shall appoint some suitable person as superintendent, and such other officers and employes as may be necessary to properly carry on the business of said institution, and fix the compensation thereof.

§ 14. Records to be kept.—Said trustees shall keep full and complete records of all their proceedings, and also of the business and daily transactions of such institution, in books to be provided for that purpose; and shall annually make report thereof to the legislature, in and during the month of January.

OBJECTS AND MANAGEMENT.

AN ACT to define the objects of the New York State Institution for the Blind, and to provide for its management.

Chapter 744. Laws of 1867.

Section 1. Persons entitled to privileges of the institution.—All blind persons of suitable age and capacity for instruction, who are legal residents of the State, shall be entitled to the privileges of the New York State Institution for the Blind, without charge, and for such a period of time in each individual case as may be deemed expedient by the board of trustees of said institution; provided, that whenever more persons apply for admission at one time than can be properly accommodated in the institution, the trustees shall so apportion the number

received, that each county may be represented in the ratio of its blind population to the total blind population of the state; and provided further, that the children of citizens who died in the United States service, or from wounds received therein during the late rebellion, shall take precedence over all others.

§ 2. Non-residents.—Blind persons from without the state may be received into the institution upon the payment of an adequate sum, fixed by the trustees, for their boarding and instruction; provided that such applicant shall in no case exclude those from the state of New York.

§ 3. Applications for admission, how made; certificate required.—Applications for admission into the institution shall be made to the board of trustees in such manner as they may direct, but the board shall require such application to be accompanied by a certificate from the county judge or county clerk of the county or the supervisor or town clerk of the town, or the mayor of the city where the applicant resides, setting forth that the applicant is a legal resident of the town, county and state claimed as his or her residence. (*As amended by chapter 616 of the Laws of 1872.*)

§ 4. Object of the institution.—The primary object of the institution shall be, to furnish to the blind children of the state the best known facilities for acquiring a thorough education, and train them in some useful profession or manual art, by means of which they may be enabled to contribute to their own support after leaving the institution; but it may likewise, through its industrial department, provide such of them with appropriate employment and boarding accommodations as find themselves unable, after completing their course of instruction and training, to procure these elsewhere for themselves. It shall, however, be in no sense an asylum for those who are helpless from age, infirmity, or otherwise, or a hospital for the treatment of blindness.

§ 5. Successors of present board of trustees.—Upon the expiration of the term of office of the present board of trustees, the governor shall, by and with the consent of the senate appoint their successors, two of whom shall reside in the county wherein said institution is located, and a majority of whom shall reside within fifty miles of said institution, and at the first meeting of said board, after their appointment as aforesaid, they

shall divide themselves by lot into three equal classes, who shall serve for two, four and six years, respectively, from the date of their appointments, and until their successors shall have been appointed, and every alternate year thereafter the governor shall, by and with the consent of the senate, appoint three trustees to fill the places of those whose term of service will have expired, in accordance with the provisions of this section.

§ 6. Declension.—In case of the declension of any member of said board of trustees to act under his appointment, or of the occurrence of any other casual vacancy in the board, the governor shall forthwith appoint some suitable person to fill such vacancy, and the member so appointed shall serve out the term of his predecessor.

§ 7. Trustees to receive no compensation, except mileage.—The trustees shall receive no compensation as such, but they may allow themselves mileage, at the same rate as that paid to members of the legislature, for any distance actually traveled in the service of the institution. Nor shall any trustee be pecuniarily interested in any contract for buildings pertaining to the institution, or in furnishing supplies therefor.

§ 8. Powers of board of trustees.—The board of trustees shall have charge of all the affairs of the institution, with power to make all necessary by-laws and regulations for their government and the proper management of the institution, as well as for the admission of pupils, and to do all else which may be found necessary for the advancement of its humane design.

§ 9. Adoption of seal.—They shall elect from their own number a president, treasurer and secretary, together with such standing committees as they may deem necessary, and adopt a common seal for the institution.

§ 10. The treasurer shall have the custody of all the funds of the institution, and pay out the same only upon properly authenticated orders of the board or its executive committee. Before entering upon the duties of his office, he shall execute and file in the office of the comptroller, a bond with such sureties and in such amount of penalty as the comptroller shall require and approve, conditioned for the faithful discharge of his duties as such treasurer. (*As amended by chapter 154 of the Laws of 1905.*)

§ 11. Superintendent.—The trustees shall have power to ap-

point a competent and experienced superintendent, who shall be the chief executive officer of the institution, together with an efficient corps of instructors and other subordinate officers; prescribe the duties and terms of service of the same; fix and pay their salaries, and for just cause, remove any or all of them from office. They shall likewise employ the requisite number of servants and other assistants in the various departments of the institution, and pay the wages of the same.

§ 12. Furniture.—They shall purchase all furniture, apparatus and other supplies necessary to the equipment and carrying on of the institution in the most efficient manner.

§ 13. Provision of clothing for those admitted to institution.—When any blind person shall, upon proper application, be admitted into the institution, it shall be the duty of his or her parents, guardians or other friends, to suitably provide such person with clothing at the time of entrance and during continuance therein, and likewise to defray his or her traveling expenses to and from the institution at the time of entrance and discharge, as well as at the beginning and close of each session of the school, and at any other time when it shall become necessary to send such person home on account of sickness or other exigency. And whenever it shall be deemed necessary by the trustees to have such person permanently removed from the institution, in accordance with the by-laws and regulations thereof, the same shall be promptly removed upon their order, by his or her parents, guardians or other friends.

§ 14. Neglect to provide the same.—If the friends of any pupil from within the state of New York shall fail through neglect or inability to provide the same with proper clothing or with funds to defray his or her necessary traveling expenses to and from the institution, or to remove him or her therefrom, as required in the preceding section, the trustees shall furnish such clothing, pay such traveling expenses, or remove such pupil to the care of the overseers of the poor of his or her township, and charge the cost of the same to the county to which the pupil belongs, provided that the annual amount of such expenditures on account of any one pupil shall not exceed the sum of sixty dollars. And in case of the death of any pupil at the institution, whose remains shall not be removed or funeral expenses borne

by the friends thereof, the trustees shall defray the necessary burial expenses, and charge the same to his or her county as aforesaid. Upon the completion of their course of training in the industrial department, the trustees may furnish to such worthy poor pupils as may need it, an outfit of machinery and tools for commencing business, at a cost not exceeding seventy-five dollars each, and charge the same to the proper county, as aforesaid. (*As amended by chapter 463 of the Laws of 1873, § 1.*)

§ 15. Itemized accounts against respective counties.—On the first day of October in each year, the trustees shall cause to be made out against the respective counties concerned, itemized accounts, separate in each case, of the expenditures authorized by the preceding section of this act, and forward the same to the board of supervisors chargeable with the account. The board shall thereupon direct the county treasurer to pay the amount so charged to the treasurer of the institution for the blind, on or before the first day of March next ensuing.

§ 16. And payment of the same.—The counties against which the said accounts shall be made out as aforesaid, shall cause their respective treasurers, in the name of their respective counties, to collect the same, by legal process, if necessary, from the parents or estate of the pupils who have the ability to pay, on whose accounts the said expenditures shall have been made; provided that at least five hundred dollars' value of the property of such parents or estate shall be exempt from the payment of the accounts aforesaid.

§ 17. Books gratuitously distributed by state.—The institution shall be entitled to receive copies of all books and other publications which are distributed gratuitously by the state to township or county libraries, common schools, academies, colleges and societies. It may also receive in the name of the state, bequests or donations of money or any kind of property, but such money or property shall in all cases belong to the state, and be subject to its control; provided that the same shall not be diverted from the particular object for which it shall be bequeathed or donated.

§ 18. Records of proceedings of board of trustees.—The board of trustees shall keep full and complete records of their proceedings, and make an annual report of the same to the legis-

lature, at the commencement of the regular session thereof, strictly accounting in detail for their expenditures, on account of the institution, during the preceding fiscal year, of the state, setting forth the progress and condition of the several departments of the institution, making such suggestions concerning its future management as they may deem essential, and submitting proper estimates of the funds needed for its support, as well as for building and all other purposes.

§ 19. Payment of appropriations.—The state treasurer is hereby directed to pay over to the board of trustees, upon the warrant of the comptroller, all moneys which shall hereafter be appropriated on account of the New York state institution for the blind; the general appropriations for the current support of the institution, to be paid in equal quarterly installments, and specific appropriations for building and other purposes, to be paid when needed by the trustees.

§ 20. Drafts upon the state.—All drafts upon the state treasury on behalf of the institution, shall be based upon orders of the board of trustees, signed by the president and secretary of the same, and attested by the common seal of the institution.

§ 21. Sections construed.—Sections nineteen and twenty of this act shall not be construed to alter, impair or affect the powers or duties of the building commissioners appointed under the provisions of chapter five hundred and eighty-seven, of the laws of eighteen hundred and sixty-five; and nothing in this act shall be construed to interfere with the erection by said building commissioners of the State institution for the blind, in accordance with the plans heretofore approved by the governor, secretary of state and comptroller; and all moneys now, or hereafter to be appropriated for the building of said institution, shall be paid to said building commissioners for that purpose.

§ 22. Further powers of the institution.—The New York institution for the blind, shall continue to have the custody, charge, maintenance and education of all such pupils as are now intrusted to them by the state, and of any others who may be appointed prior to the opening of the state institution at Batavia; and shall receive compensation from the state for the maintenance, education and support of said pupils in the same manner as is now, or has heretofore been provided, and shall

receive the same amount per capita from the counties from which said pupils are respectively appointed as is now paid, for their clothing, until such period as the New York state institution for the blind shall be ready to receive such pupils, and shall then, without reference to the term of years for which said pupils have been appointed under existing laws, and received by said New York institution for the blind, transfer said pupils to said state institution; provided, however, that they shall retain and continue to receive all pupils heretofore appointed or hereafter to be appointed, from the counties of New York and Kings under the appointment of the superintendent of public instruction, in like manner as is now provided by law, to be received, maintained and educated by the said New York institution for the blind, which shall be compensated for their maintenance and education by the state; and for their clothing by the counties from which they are appointed, in like manner as is now done.

§ 23. Repeal.—All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

CHANGE OF NAME.

AN ACT changing the name of the New York State Institution for the Blind.

Chapter 563, Laws of 1895.

§ 1. Name changed.—The New York State Institution for the Blind as the same was authorized to be established by chapter five hundred and eighty-seven of the laws of eighteen hundred and sixty-five and the acts supplemental thereto shall hereafter be known and designated as the "New York State School for the Blind."

NEW YORK INSTITUTION FOR THE BLIND, NEW YORK CITY.

AN ACT to amend an act entitled "An act to continue in force 'An act to incorporate the New York Institution for the Blind,' passed April twenty-first, eighteen hundred and thirty-one, and to extend the benefits of said institution," passed April sixteenth, eighteen hundred and fifty-two.

Chapter 166, Laws of 1870.

§ 1. Reception of state pupils; powers of superintendent of public instruction; extension of terms.—The managers of the New York Institution for the Blind are hereby authorized to receive, upon the appointment of the superintendent of public instruction, made for a term not exceeding five years, all blind persons, residents of the counties of New York and Kings, Queens and Suffolk, between eight and twenty-five years of age, who, in the judgment of the board of managers of said institution, shall be of suitable character and capacity for instruction, and shall have charge of their maintenance, education and support, and shall receive compensation therefor from the state in the same manner as is now provided by law. The term of such appointments may be extended, from time to time, by the superintendent of public instruction, on the recommendation of the board of managers of the said New York Institution for the Blind, for such further period as they may deem advantageous in each individual case. (*As amended by chapter 166 of the Laws of 1871.*)

§ 2. Applications for admission.—Application for admission into the institution shall be made to the board of managers, and each application shall set forth the age, the fact of blindness, and that the applicant is a legal resident of the town, county and state claimed as his or her residence, with such other information as the board may require; and each application shall be sworn to by the applicant, or his or her parents or guardian, and shall be signed by at least one member of the board of supervisors of the county in which the applicant may reside, and also be recommended by the president and superintendent of the said institution, and transmitted by the said institution to the superintendent of public instruction.

§ 3. Supervisors of New York and Kings, Queens and Suffolk counties to furnish clothing; to pay fifty dollars for each indigent pupil.—The supervisors of the county of New York or Kings, Queens and Suffolk, from which state pupils shall be sent to and received in the said institution, whose parents or guardians shall, in the opinion of the superintendent of public instruction, be unable to furnish them with suitable clothing, are hereby authorized and directed, in every year while such pupils are in said insti-

tution, to raise and appropriate fifty dollars for each of said pupils from said counties respectively, and to pay the sum so raised to the said institution, to be by it applied to furnishing such pupils with suitable clothing while in said institution. (*As amended by chapter 166 of the Laws of 1871.*)

§ 4. Disposition of surplus.—If in any year hereafter there shall be any surplus of the amount above required to be paid yearly by the said counties for clothing for pupils from said counties, respectively, then such surplus shall be deducted pro rata the ensuing year from the amount above required to be paid by the said counties respectively.

THE DEAF AND DUMB.

AN ACT in relation to the New York Institution for the Instruction of the Deaf and Dumb.

Chapter 272, Laws of 1854.

Section 1. Selection of pupils.—Every indigent, deaf and dumb person, resident of this state, between twelve and twenty-five years of age, whose parent or parents, or, if an orphan, whose nearest friend shall have been a resident of this state for three years, and who may make application for that purpose, shall, until provision be made by law for his or her instruction in some other institution or school, be received into the New York institution for the instruction of the deaf and dumb, provided his or her application for that purpose be first approved of by the superintendent of public instruction.

§ 2. How supported.—Each indigent pupil, so received into the institution aforesaid, shall be provided with board, lodging and tuition; and the directors of the institution shall receive for each pupil so provided for the sum of one hundred and fifty dollars per annum, in quarterly payments, to be paid by the treasurer of the state, on the warrant of the comptroller, to the treasurer of the said institution on his presenting a bill of the actual time and number of pupils attending the institution, and which bill shall be signed and verified by the oath of the president and secretary of the institution. The regular term of instruction

for such pupils shall be five years. The indigent pupils, provided for in this act shall be designated state pupils, and all the existing provisions of law applicable to state pupils now in said institution shall apply to pupils herein provided for.

§ 3. Superintendent may continue pupils for studies in higher branches.—It shall be lawful for the superintendent of public instruction to continue at the said institution, for a period not exceeding three years, for the purpose of pursuing a course of studies in the higher branches of learning, such pupils, not exceeding thirty-six in number, as may have completed their full term of instruction, and who may be recommended by the directors of said institution. (*As amended by chapter 58 of the Laws of 1885, and chapter 197 of the Laws of 1890.*)

CARE AND EDUCATION.

AN ACT to provide for the care and education of indigent deaf-mutes under the age of twelve years.

Chapter 325, Laws of 1863.

Section 1. Deaf-mutes to be placed in state institutions.—Whenever a deaf-mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this state, or shall be liable to become such charge, it shall be the duty of the overseers of the poor of the town, or of the supervisors of such county, to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-mutes, or in the Le Couteulx St. Mary's Institution for the Improved Instruction of Deaf-mutes, in the city of Buffalo, or in the Central New York Institution for Deaf-mutes, in the city of Rome, or in any institution of the state for the education of deaf-mutes. (*As amended by chapter 213 of the Laws of 1875.*)

§ 2. Deaf-mute children, placing of, upon application of parents, etc., in certain institutions.—Any parent, guardian or friend of a deaf-mute child, within this state, over the age of five years and under the age of twelve years, may make application to the overseer of the poor of any town or to any supervisor of the county where such child may be, showing by satisfactory

affidavit or other proof, that the health, morals or comfort of such child may be endangered, or not properly cared for, and thereupon it shall be the duty of such overseer or supervisor to place such child in the New York Institution for the Deaf and Dumb, or in the Institution for the Improved Instruction of Deaf-mutes, or in the Le Couteulx Saint Mary's Institution for the Improved Instruction of Deaf-Mutes in the city of Buffalo, or in the Central New York Institution for Deaf-Mutes in the city of Rome, or in the Albany Home School for the Oral Instruction of the Deaf at Albany, or in any institution in the state, for the education of deaf-mutes, as to which the board of state charities shall have made and filed with the superintendent of public instruction a certificate to the effect that said institution has been duly organized and is prepared for the reception and instruction of such pupils. (*As amended by chapter 213 of the Laws of 1875, and chapter 36 of the Laws of 1892.*)

§ 3. Expense.—The children placed in said institutions, in pursuance of the foregoing sections, shall be maintained therein at the expense of the county from whence they came, provided that such expense shall not exceed three hundred dollars each per year, until they attain the age of twelve years, unless the directors of the institution to which a child has been sent shall find that such child is not a proper subject to remain in said institution. (*As amended by chapter 213 of the Laws of 1875.*)

§ 4. Id.—The expenses for the board, tuition and clothing for such deaf-mute children, placed as aforesaid in said institutions, not exceeding the amount of three hundred dollars per year, above allowed, shall be raised and collected as are other expenses of the county from which said children shall be received; and the bills therefor, properly authenticated by the principal or one of the officers of the institution, shall be paid to said institution by the said county; and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county. (*As amended by chapter 213 of the Laws of 275.*)

THE CONSOLIDATED SCHOOL LAW.

Chapter 556, Laws of 1894.

TITLE XV.

ARTICLE 12.

ORPHAN SCHOOLS.

§ 32. The schools of the several incorporated orphan asylum societies in this state, other than those in the city of New York, shall participate in the distribution of the school moneys, in the same manner and to the same extent, in proportion to the number of children educated therein, as the common schools in their respective cities or districts. The schools of said societies shall be subject to the rules and regulations of the common schools in such cities or districts, but shall remain under the immediate management and direction of the said societies as heretofore.

1. ORPHAN ASYLUMS. Payment of public moneys for secular education of inmates. St. Mary's Boys' Orphan Asylum of the city of Rochester, incorporated under chapter 319 of the Laws of 1848, is neither a school nor an institution of learning within the meaning of section 4 of article 9 of the Constitution prohibiting the payment of public moneys to a denominational school or institution of learning, but on the contrary is an orphan asylum within the meaning of section 14 of article 8 of the Constitution permitting the payment of public moneys for the secular education of the inmates therein.

2. BOARD OF EDUCATION OF CITY OF ROCHESTER EXPRESSLY AUTHORIZED TO EMPLOY AND PAY TEACHERS. Under the charter of the city of Rochester (L. 1880, ch. 14, § 131, amd. L. 1898, ch. 660, § 127) and under the Consolidated School Law (L. 1894, ch. 556, tit. 15, art. 12, § 32) the board of education is not only expressly authorized to employ and pay teachers for the secular education of the inmates of such asylum but their employment for that purpose is imposed upon it as a duty.

3. SECTARIAN CONTROL IMMATERIAL. The fact that such asylum is controlled by a religious organization and that the teachers employed by the board of education, who were duly licensed to teach by the public authorities, were members of a sisterhood connected with such denominations, is immaterial, since the statute clearly recognizes the fact that the instruction of the inmates is neither practicable nor possible elsewhere than in the institution itself, and it is the duty of the board to provide for their secular education therein, regardless of the religious belief of those in control of the asylum.

4. **STATUTES AUTHORIZING EMPLOYMENT NOT MANDATORY.** The several statutes under which the moneys are raised and paid over to the board of education for the purpose of defraying the expense of secular education in orphan asylums are not mandatory and, therefore, violative of the Constitution; but if they were they could properly be disregarded by the local authorities.

Supreme Court, November, 1902, Sargent v. Board of Education, 78 App. Div. 588; affirmed, Court of Appeals, January, 1904, 177 N. Y. 317; 79 N. Y. Supp. 127.

ARTICLE 14.

DEAF AND DUMB AND BLIND INSTITUTIONS.

§ 40. All the institutions for the instruction of the deaf and dumb, and blind, and all other similar institutions, incorporated under the laws of the state, or that may be hereafter incorporated, shall be subject to the visitation of the superintendent of public instruction, and it shall be his duty:

1. To inquire, from time to time, into the expenditures of each institution, and the systems of instruction pursued therein, respectively.

2. To visit and inspect or cause to be visited and inspected, the schools belonging thereto, and the lodgings and accommodations of the pupils.

3. To ascertain by a comparison with other similar institutions, whether any improvements in instruction and discipline can be made; and for that purpose to appoint, from time to time, suitable persons to visit the schools.

4. To suggest to the directors of such institutions and to the legislature such improvements as he shall judge expedient.

5. To make an annual report to the legislature on all the matters before enumerated, and particularly as to the condition of the schools, the improvement of the pupils, and their treatment in respect to board and lodging.

§ 41. All deaf and dumb persons resident in this state and upwards of twelve years of age, who shall have been resident in this state for one year immediately preceding the application, or, if a minor, whose parent or parents, or, if an orphan, whose nearest friend shall have been resident in this state for one year immediately preceding the application, shall be eligible to appointments as state pupils in one of the deaf and dumb institu-

tions of this state, authorized by law to receive such pupils; and all blind persons of suitable age and similar qualifications shall be eligible to appointment to the Institution for the Blind in the City of New York, or in the village of Batavia, as follows: All such as are residents of the counties of New York, Kings, Queens, Suffolk, Nassau, Richmond, Westchester, Putnam and Rockland, shall be sent to the Institution for the Blind in the City of New York. Those who reside in other counties of the state shall be sent to the institution for the blind in the village of Batavia. All such appointments, with the exception of those to the institution for the blind in the village of Batavia, shall be made by the superintendent of public instruction, upon application, and in those cases in which, in his opinion, the parents or guardians of the applicants are able to bear a portion of the expense, he may impose conditions whereby some proportionate share of expense of educating and clothing such pupils shall be paid by their parents, guardians, or friends in such manner and at such times as the superintendent shall designate, which conditions he may modify from time to time, if he shall deem it expedient to do so. *(As amended by chapter 62 of the Laws of 1903.)*

§ 42. Each pupil so received into either of the institutions aforesaid shall be provided with board, lodging and tuition; and the directors of the institution shall receive for each pupil so provided for, the sum of _____ dollars per annum, in quarterly payments, to be paid by the treasurer of the state, on the warrant of the comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, and which bill shall be signed by the president and secretary of the institution, and verified by their oaths. The regular term of instruction for such pupils shall be five years; but the superintendent of public instruction may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this and the preceding section of this title shall be designated state pupils; and all the existing provisions of law applicable to state pupils now in said institution shall apply to pupils herein provided for.

§ 43. The superintendent of public instruction may make such regulations and give such directions to parents and guardians, in

relation to the admission of pupils into either of the above-named institutions, as will prevent pupils entering the same at irregular periods.

§ 43-a. The supervisors of any county in this state from which county state pupils may be hereafter appointed to any institution for the instruction of the deaf and dumb, whose parents or guardians are unable to furnish them with suitable clothing, are hereby authorized and required to raise in each year for this purpose for each such pupil from said county, the sum of thirty dollars. (*Added by chapter 223 of the Laws of 1903.*)

NEW YORK INSTITUTION FOR THE INSTRUCTION OF THE DEAF AND DUMB.

AN ACT to amend an act entitled "An act in relation to the New York institution for the instruction of the deaf and dumb," passed April eighteenth, eighteen hundred and thirty-eight.

Chapter 386, Laws of 1864.

§ 1. Amendment.—The third section of the act entitled "An act in relation to the New York institution for the instruction of the deaf and dumb," passed April eighteenth, eighteen hundred and thirty-eight, is hereby amended so as to read as follows:

§ 2.* Money may be raised to clothe indigent pupils.—The supervisors of any county in this state from which county pupils may be selected, whose parents or guardians are unable to furnish them with suitable clothing, are hereby authorized and required to raise in each year for this purpose, for each such pupil from said county, the sum of thirty dollars.

AN ACT relative to the care and education of deaf-mutes.

Chapter 180, Laws of 1870.

§ 2. Expenses.—All provisions of law now existing, fixing the expense of the board, tuition and clothing of children under twelve years placed in the New York Institution for the Instruction of the Deaf and Dumb, shall apply to children who may, from time to time, be placed in the said institution for the improved instruction of deaf-mutes, in the same manner, and with the like effect, as if said last-mentioned institution had also

originally been named in the acts fixing such compensation, and as if said acts had provided for the payment thereof to the institution last-mentioned, and the bills therefor properly authenticated by the principal or one of the officers of the said last-mentioned institution shall be paid to said institution by the counties respectively from which such children were severally received, and the county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county.

SUPERVISORS MAY GRANT PERMISSION TO ATTEND SCHOOLS FOR DEAF.

AN ACT relative to the care and education of deaf-mutes.

Chapter 253, Laws of 1874.

Section 1. Application by parent, guardian, etc.; duty of supervisor.—Any parent, guardian or friend of any deaf-mute child within this state, over the age of six years and under the age of twelve years, may make application to the supervisor of the town or city where such child may be, for a permit or order to place such child in the New York Institution for the Deaf and Dumb or in the Institution for the Improved Instruction of Deaf-Mutes, or in any of the deaf-mute institutions of this state, and it shall be the duty of such supervisor, if in his judgment the means of the child, or the parents or parent of such child, will not enable them to defray the expense in a public institution, to grant such permit or order and to cause said child to be received and placed in such one of the institutions of this state for the education of deaf-mutes, as the said supervisor shall select.

**WESTERN NEW YORK INSTITUTION FOR DEAF-MUTES,
ROCHESTER.**

AN ACT in relation to the Western New York Institution for Deaf-Mutes.

Chapter 331, Laws of 1876.

Section 1. Reception of pupils.—The Western New York Institution for Deaf-Mutes, at Rochester, is hereby authorized

to receive deaf and dumb persons between the ages of twelve and twenty-five years, eligible to appointment as state pupils, and who may be appointed to it by the superintendent of public instruction, and the superintendent of public instruction is authorized to make appointments to said institution in the same manner and upon the same conditions as to the New York Institution for the Instruction of the Deaf and Dumb.

§ 2. Powers of supervisors, etc.—Supervisors of towns and wards and overseers of the poor are hereby authorized to send to the Western New York Institution for Deaf-Mutes, deaf and dumb persons between the ages of six and twelve years, in the same manner and upon the same conditions as such persons may be sent to the New York Institution for the Instruction of the Deaf and Dumb, under the provisions of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three.

NORTHERN NEW YORK INSTITUTION FOR DEAF-MUTES, MALONE.

AN ACT in relation to the Northern New York Institution for Deaf-Mutes, at Malone, New York.

Chapter 275, Laws of 1884.

Section 1. Institutions may receive pupils, etc.—The Northern New York Institution for Deaf-Mutes at Malone, is hereby authorized to receive deaf and dumb persons, between the ages of twelve and twenty-five years, eligible to appointment as state pupils, and who may be appointed to it by the superintendent of public instruction, and the superintendent of public instruction is authorized to make appointments to the aforesaid institution.

§ 2. Supervisors, etc., may send pupils under provisions of law named.—Supervisors of towns and wards and overseers of the poor are hereby authorized to send to the Northern New York Institution for Deaf-Mutes, deaf and dumb persons between the ages of six and twelve years, under the provisions of chapter three hundred and twenty-five of the laws of eighteen hundred and sixty-three, as amended by chapter two hundred and thirteen of the laws of eighteen hundred and seventy-five. Provided that before any pupils are sent to said institution the

board of state charities shall have made and filed with the superintendent of public instruction a certificate to the effect that said institution has been duly organized and is prepared for the reception and instruction of such pupils.

**NEW YORK STATE HOSPITAL FOR THE CARE OF CRIPPLED
AND DEFORMED CHILDREN.**

Chapter 369, Laws of 1900.

- Section 1.** Establishment of the New York state hospital for the care of crippled and deformed children.
2. Board of managers, appointment of.
 3. Powers and duties of board of managers.
 4. Powers and duties of the surgeon-in-chief.
 5. Salaries and compensation for services.
 6. Powers and duties of the treasurer.
 7. Official oath.
 8. Who may receive judgment.
 9. Donations.
 10. Managers' report of receipts.
 11. Appropriations for maintenance of hospital.

Section 1. Establishment of the New York state hospital for the care of crippled and deformed children.—A state hospital, to be known as the New York state hospital for the care of crippled and deformed children, that shall be for the care and treatment of any indigent children who may have resided in the state of New York for a period of not less than one year, who are crippled or deformed or are suffering from disease from which they are likely to become crippled or deformed, shall be established in the city of New York or within a reasonable distance of said city of New York. No patient suffering from an incurable disease shall be admitted to said hospital. Said hospital shall provide for and permit the freedom of religious worship of said inmates to the extent and in the manner required in other institutions, by chapter three hundred and ninety-six of the laws of eighteen hundred and ninety-two entitled "An act to provide for better security of freedom of worship in certain institutions."

§ 2. Board of managers, appointment of.—The governor by and with the advice and consent of the senate, shall appoint five citizens of this state who shall constitute the board of managers of the New York state hospital for the care of crippled and deformed children. The full term of office of each manager shall be five years, and the term of office of one of such managers shall expire annually. To effect such order of expiration of the term of office of the managers, the first appointment shall be made for the respective terms of five, four, three, two and one years. Appointments of successors to fill vacancies occurring by death, resignation or other cause, shall be made for the unexpired term. Other appointments shall be for the full term. Failure of any manager to attend the regular meetings of the board for the period of one year, shall be considered as a resignation therefrom, and his office shall be declared vacant by resolution of the board. A certified copy of such resolution shall forthwith be transmitted by the board to the governor. The managers shall receive no compensation for their services, but shall be allowed their reasonable traveling and other expenses. Such expenses shall be duly verified and paid by the treasurer of the board on the audit of the comptroller. Any of said new trustees may be removed from office by the governor for any cause that he may deem sufficient, after an opportunity to be heard in his defense, and the vacancy may be filled as herein provided. Three members of the board shall constitute a quorum for the transaction of business.

§ 3. Powers and duties of board of managers.—The board of managers shall have the general direction and control of the property and affairs of said hospital, which are not otherwise specially provided by law, subject to the inspection, visitation and powers of the state board of charities. They may acquire and hold, in the name of and for the people of the state of New York, by grant, gift, devise or bequest, property to be applied to the maintenance of indigent children who are crippled or deformed or are suffering from diseases through which they are likely to become crippled or deformed in and for the general use of the hospital. They shall,

1. Take care of the general interests of the hospital and see that this design is carried into effect according to law and its by-laws, rules and regulations.

2. Keep in a book provided for that purpose a fair and full record of their doings, which shall be open at all times to the inspection of the governor of the state, the state board of charities, or any person appointed by the governor, the state board of charities, or either house of the legislature, to examine the same.

3. Make a detailed report to the state board of charities, in each month of October, in such form as said state board of charities may require, and with such recommendations as said managers may deem expedient, together with a statement of all moneys received by them and of the progress made in the erection of buildings for hospital purposes, if any, for the year ending on the thirtieth day of September preceding the date of such report.

4. Establish such by-laws as they may deem necessary or expedient for regulating the duties of officers, assistants and employes of the hospital and make and enforce rules and regulations for the internal government, discipline and management of the same.

5. They shall appoint a surgeon-in-chief who shall be a person of suitable experience in the care and treatment of disabling and deforming diseases, and may for cause at any time remove him and appoint his successor. They shall also appoint a treasurer who shall have the custody of all moneys, obligations and securities belonging to the hospital.

§ 4. Powers and duties of the surgeon-in-chief.—The surgeon-in-chief shall be the superintendent of the hospital. He shall appoint and may remove the steward, matron and such assistant physicians and surgeons, assistants and attendants as may be necessary for the proper treatment of the patients under the care of the hospital, and shall have power to fill vacancies as often as they occur. Subject to the by-laws and regulations established by the board of managers, he shall have the general superintendence of the property, buildings, grounds, fixtures and effects, and control of all persons therein. He shall also,

1. Provide for ascertaining daily the condition of all the patients and proper prescription for their treatment.

2. Keep a book in which he shall cause to be entered at the time of the reception of any patient, his or her name, residence

and occupation, and the date of such reception, by whom brought and by what authority committed, and an abstract of all orders, warrants, requests, certificates and other papers accompanying such person.

3. On or before the fifteenth of each month cause to be prepared by the steward, estimates in duplicate of the amount required for the expenses of the hospital for the current month, including salaries and compensation of employes, which estimates shall be certified by him to be required for the hospital. When approved by the board of managers, one of said estimates shall be transmitted to the comptroller who shall, if he approve of the same, issue his warrant for the amount thereof and transmit the same to the treasurer of the hospital.

§ 5. Salaries and compensation for services.—All surgical and medical officers of the hospital, except the surgeon-in-chief, shall render their services gratuitously. All salaries and compensation of officers and employes shall be fixed by the board of managers with the approval of the comptroller, president of the state board of charities and the governor, within the appropriation made therefor.

§ 6. Powers and duties of treasurer.—The treasurer shall have the custody of all moneys, obligations and securities belonging to the hospital. He shall,

1. Open with some good and solvent bank conveniently near the hospital, to be selected with the approval of the comptroller of the state, an account in his name as such treasurer, for the deposit therein of all moneys, immediately upon receiving the same, and drawing from same only for the use of the hospital, in the manner prescribed in the by-laws, upon the written order of the steward specifying the object of the payment, approved by the surgeon-in-chief and subject to audit by the board of managers.

2. Keep a full and accurate account of all receipts and payments in the manner directed by the by-laws, and such other accounts as the managers shall prescribe.

3. Balance all accounts on his books annually on the last day of September and make a statement thereof and an abstract of the receipts and payments of the past year, and deliver the same within thirty days to the auditing committee of the managers

who shall compare the same with the books and vouchers and verify the results upon further comparison with the books of the steward and certify to the correctness thereof to the managers at their next meeting.

4. Render statements quarterly in each year of his receipts and payments for the three months then next preceding to such auditing committee, who shall compare, verify and certify in regard to the same in the manner provided in the last preceding subdivision, and cause the same to be recorded in one of the books of the hospital.

5. Render a further account of the state of the books, and of the state of the funds and of the property in his hands, whenever required by the managers. Execute any necessary release and satisfaction of mortgage, judgment or other lien in favor of the hospital.

6. Such treasurer shall give an undertaking to the people of the state for the faithful performance of his duties, with such sureties and in such amount as the comptroller of the state shall approve.

§ 7. Official oath.—The surgeon-in-chief, treasurer and steward, before entering upon their duties as such, shall take the constitutional oath of office and file same in the office of the clerk of the county of New York.

§ 8. Who may receive treatment.—No patient shall be received except upon satisfactory proof made to the surgeon-in-chief by the next of kin, guardian or a state, town or county officer under rules to be established by the board of managers showing that the patient is unable to pay for private treatment. Such proof shall be by affidavit. If there was an attending physician before the patient entered the hospital, it shall be accompanied by the certificate of such physician giving the previous history and condition of the patient.

§ 9. Donations.—All donations made to the hospital may be received, retained and expended by the managers for the purposes for which they were given, or in such manner if unaccompanied by conditions, as the board deems advisable.

§ 10. Managers' report of receipts.—The managers shall make detailed report of all moneys received by them by virtue of this act, and the progress made in the erection of any buildings that

may be hereafter from time to time erected, to the legislature, in January of each year, and also to the comptroller as often and in such manner as the comptroller shall or may from time to time require.

§ 11. Appropriation for maintenance of hospital.—There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary, for New York state hospital for the care of crippled and deformed children in carrying out the provisions of this act.

NEW YORK STATE HOSPITAL FOR THE TREATMENT OF INCIPIENT PULMONARY TUBERCULOSIS.

Chapter 416, Laws of 1900.

- Section 1. Establishment and objects of hospital.
2. Trustees.
 3. Lands.
 4. Powers and duties of trustees.
 5. Annual report; state board of charities.
 6. Donations in trust.
 7. Site of hospital.
 8. Buildings and improvements.
 9. Superintendent and treasurer.
 10. Duties of superintendent.
 11. Duties of treasurer.
 12. Medical assistants and examining physicians.
 13. Free patients.
 14. Private patients.
 15. Support of private patients.
 15. Support of free patients.
 17. Appropriation.
 18. When to take effect.

Section 1. Establishment and objects of hospital.—A state hospital in some suitable locality in the Adirondacks, for the treatment of incipient pulmonary tuberculosis is hereby established.

§ 2. Trustees.—The governor, by and with the advice and consent of the senate, shall appoint five citizens of this state, of

whom two shall be physicians, who shall constitute the board of trustees of the New York state hospital for the treatment of incipient pulmonary tuberculosis. The full term of office of each trustee shall be five years, and the term of office of one of such trustees shall expire annually. To effect such order of expiration of terms of trustees, the first appointments shall be made for the respective terms of five, four, three, two and one years. Appointments of successors shall be for the full term of five years, except that appointment of persons to fill vacancies occurring by death, resignation or other cause, shall be made for the unexpired term. Failure of any trustee to attend in each year two stated meetings of the board shall cause a vacancy in his office, unless said absence be excused by formal action of the board. The trustees shall receive no compensation for their services, but shall be allowed their actual and necessary traveling and other expenses, to be paid on the audit and warrant of the comptroller. Any of said trustees may at any time be removed from office by the governor by and with the consent of the senate for any cause they may deem sufficient after an opportunity to be heard in his or her defense, and others may be appointed in their places as herein provided. Three members of the board of trustees shall constitute a quorum, but no business involving expenditure shall be transacted except by the affirmative vote of at least three members.

§ 3. Lands.—The lands to be held for the purposes herein mentioned shall not be taken for any street, highway or railway without leave of the legislature.

§ 4. Powers and duties of trustees.—For the purposes of this act the said trustees and their successors shall be a body corporate with all the powers necessary to carry into effect the purposes of this act, together with the following powers, duties and obligations. They shall,

1. Take care of the general interests of the hospital and see that its design is carried into effect, according to law, and its by-laws, rules and regulations.

2. Establish such by-laws, rules and regulations as they may deem necessary and expedient for regulating the appointment and duties of officers and employes of the hospital, and for the internal government, discipline and management of the same.

3. Maintain an effective inspection of the affairs and management of the hospital, for which purpose the board shall meet at the hospital at least once in every three months, and at such other times as may be prescribed in the by-laws. The annual meeting of the board of trustees shall be held on the second Saturday of January.

4. Keep in a book provided for that purpose, a fair and full record of the doings of the board, which shall be open at all times to the inspection of its members, the governor of this state, and officers of the state board of charities, or any person appointed by the governor or either house of the legislature to examine the same.

5. Cause to be typewritten within ten days after each meeting of such trustees or of a committee thereof, the minutes and proceedings of such meeting, and cause a copy thereof to be sent to each member of such board.

6. Enter in a book kept by them for that purpose, the date of each of their visits, and the condition of the hospital and patients and all such trustees present shall sign the same.

7. Make to the legislature in January of each year, a detailed report of the results of their visits and inspection, with suitable suggestions and such other matter as may be required of them by the governor, for the year ending on the thirty-first day of December, preceding the date of such report. The resident officers shall admit such trustees into every part of the hospital and its buildings, and exhibit to them on demand all the books, papers, accounts and writings belonging to the hospital or pertaining to its business management, discipline or government, and furnish copies, abstracts and reports whenever required by them.

§ 5. Annual report; state board of charities.—The board of trustees of the hospital shall annually, on or before the first day of November, for the preceding fiscal year, report to the state board of charities the affairs and conditions of the hospital, with full and detailed estimates of the next appropriation required for maintenance and ordinary uses and repairs, and of special appropriations, if any, needed for extraordinary repairs, renewals, extensions, improvement, betterments or other necessary objects, as also for the erection of additional buildings, and the

state board of charities shall, in its annual report to the legislature, certify what appropriations are, in its opinion, necessary and proper. The said hospital shall be subject to the visitation and to the general powers of the state board of charities.

§ 6. Donations in trust.—The trustees may take and hold in trust for the state any grant or devise of land, or any gift or bequest of money or other personal property, or any donation, to be applied, principal or income, or both, to the maintenance and the general uses of the hospital.

§ 7. Site of hospital.—The said trustees are hereby empowered to select a site for the establishment of said state hospital, such site to be subject to the approval of the state board of health and the forest preserve board. The said trustees are empowered to contract for the purchase of, to acquire title to and to hold a tract of land not exceeding one thousand acres in extent for the establishment of such hospital, or at the request of the said trustees, subject to the approval of the state board of health, the forest preserve board may set apart a like amount of land now owned by the state for the purposes of said hospital.

§ 8. Buildings and improvements.—The trustees to be appointed under the provisions of this act are authorized, empowered and required as soon as the site for such hospital is selected and approved to proceed with the construction and equipment of all necessary and suitable buildings including heating, lighting, plumbing, laundry fixtures and water supply therefor, and with the construction of roads thereto, upon plans adopted by them, to be approved by the state architect, and the state board of charities at an expense not to exceed one hundred and fifty thousand dollars, which buildings shall furnish accommodations for at least two hundred patients beside the officers, employes and attendants of said institution. The said trustees shall have power to select plans approved as above and to make and award contracts for the erection and construction of said buildings, and the equipment above provided; but no part of the several sums herein appropriated shall be available for any construction, improvement or purchase unless a contract or contracts shall have first been made for the completion or purchase within the appropriation therefor and the performance thereof secured by a satisfactory bond approved by the comptroller.

§ 9. Superintendent and treasurer.—The trustees shall also have power to appoint a superintendent of the hospital, who shall be a well-educated physician, not a member of the board of trustees, a graduate of a legally chartered medical college, with an experience of at least six years in the actual practice of his profession, including at least one year's actual experience in a general hospital, and a treasurer, who shall give an undertaking to the people of the state for the faithful performance of his trust in such penal sum and form and with such sureties as the comptroller shall approve. Said officers may be discharged or suspended at any time by the said board of trustees in its discretion.

§ 10. Duties of superintendent.—The superintendent shall

1. Appoint such employes as are necessary and proper for the due administration of the affairs of such institution, prescribe their duties and places and, subject to the approval of the trustees, fix their compensation, within the appropriation fixed therefor.

2. Oversee and secure the individual treatment and personal care of each and every patient of the hospital while resident therein, and keep a proper oversight over all the inhabitants thereof.

3. Have the general superintendence of the buildings and grounds with their furniture and fixtures and the direction and control of all persons employed in and about the same.

4. Give from time to time such orders and instructions as he may deem best calculated to induce good conduct, fidelity and economy in any department for the treatment of patients.

5. Maintain salutary discipline among all employes, patients, and inmates of the hospital, and enforce strict compliance with his instructions, and obedience to all the rules and regulations of the hospital. He shall, under the supervision and control of the board, discharge such patients as are sufficiently restored to health, or such as are found to be unsuitable patients for the hospital.

6. Cause full and fair accounts and records of the conditions and prospects of the patients to be kept regularly, from day to day, in books provided for that purpose.

7. See that such accounts and records shall be fully made up to the first days of January, April, July and October, in each year, and that the principal facts and results with the report thereon be presented to the trustees at their regular meetings.

8. Conduct the official correspondence of the hospital, and keep a record or copy of all letters written, and files of all letters received.

9. Prepare and present to the board, at its annual meeting, a true and perfect inventory of all the personal property and effects belonging to the hospital, and account, when required by the board, for the careful keeping and economical use of all furniture, stores and other articles furnished for the hospital.

§ 11. Duties of treasurer.—The treasurer, among his other duties, shall

1. Have the custody of all moneys received and all money, notes, mortgages and other securities and obligations belonging to the hospital.

2. Keep a full and accurate account of all receipts and payments, in the form prescribed by the by-laws, and such other accounts as shall be required of him by the trustees.

3. Balance all the accounts on his books on the first day of each January, and make a statement thereof, and an abstract of all the receipts and payments of the past year; and within five days thereafter deliver the same to the auditing committee of the trustees, who shall compare the same with his books and vouchers, and verify the same by a comparison with the books of the superintendent, and certify the correctness thereof to the trustees at their annual meeting.

4. Render a quarterly statement of his receipts and payments to such auditing committee who shall, in like manner as above, compare, verify, report and certify the result thereof, to the trustees at their annual meeting, who shall cause the same to be recorded in one of the books of the hospital.

5. Render a further account of the state of his books, and of the funds and other property in his custody, whenever required by the trustees.

6. Receive for the use of the hospital, money which may be paid upon obligations or securities in his hands belonging to the

hospital; and all sums paid to the hospital for the support of any patient therein or for actual disbursements made in said patient's behalf for necessary clothing and traveling expenses; and money paid to the hospital from any other source.

7. Prosecute an action in the name of the hospital to recover money due or owing to the hospital, from any source; including the bringing of suit for breach of contract between private patients or their representatives and the trustees of the hospital.

8. Execute a release and satisfaction of a mortgage judgment, lien or other debt when paid.

9. Pay the salaries of the superintendent and of all employees of the hospital, and the disbursements of the officers and members of the board as aforesaid. The treasurer shall have power to employ counsel, subject to the approval of the board of trustees.

10. Deposit all moneys received for the care of private patients and all other revenues of the hospital, in a bank designated by the comptroller, and as often as the comptroller may require, transmit to the comptroller a statement showing the amount so received and deposited and from whom, and for what received, and the dates on which such deposits were made. Such statement of deposit shall be certified by the proper officer of the bank receiving such deposit or deposits. The treasurer shall make affidavit that the sum so deposited is all the money received by him from any source of income for the hospital up to the date of the latest deposit appearing on such statement. A bank designated by the comptroller to receive such deposits shall, before any deposit be made, execute a bond to the people of the state in a sum and with sureties to be approved by the comptroller, for the safe keeping of such deposits.

§ 12. Medical assistants and examining physicians.—All medical assistants shall be appointed by the superintendent. No medical assistant shall be appointed who is not a well-educated physician and a graduate of a legally chartered medical college, and with an experience of at least two years in the actual practice of his profession, including at least one year's actual experience in a general hospital. Said trustees shall also appoint in all the cities of the state reputable physicians, citizens of the state of New York, who shall examine all persons applying for

admission to said hospital for treatment. There shall be not less than two nor more than four of such examining physicians appointed in cities of the first class, and two each in cities of the second and third class. Said examining physicians shall have been in the regular practice of their profession for at least five years, and shall be skilled in the diagnosis and treatment of pulmonary diseases. Their fee or compensation for each patient examined shall be three dollars. Not more than one-half of all the physicians to be appointed under this section shall belong to the same school of medicine or practice.

§ 13. Free patients.—The trustees of said hospital to be appointed under and pursuant to the provisions of this act, and their successors, are hereby given power and authority to receive therein patients who have no ability to pay, but no person shall be admitted to the hospital who has not been a citizen of this state for at least one year preceding the date of application. Every person desiring free treatment in said hospital shall apply to the local authorities of his or her town, city or county having charge of the relief of the poor, who shall thereupon issue a written request to the superintendent of said hospital for the admission and treatment of such person. Such request shall state in writing whether the person is able to pay for his or her care and treatment while at the hospital, which request and statement shall be kept on file by the superintendent of the hospital. Such requests shall be filed by the superintendent in a book kept for that purpose in the order of their receipt by him. When said hospital is completed and ready for the treatment of patients, or whenever thereafter there are vacancies caused by death or removal, the said superintendent shall thereupon issue a request to an examining physician, appointed as provided for in section twelve, in the same city or county, and if there be no such examining physician in said city or county then to the nearest examining physician, for the examination by him of said patient. Upon the request of such superintendent said examining physician shall examine all persons applying for free admission and treatment in said institution, and determine whether such persons applying are suffering from incipient pulmonary tuberculosis. No person shall be admitted as a patient

in said institution without the certificate of one of said examining physicians certifying that such applicant is suffering from incipient pulmonary tuberculosis, and if upon the reception of a person at such hospital, it is found by the authorities thereof that he is not suffering from incipient pulmonary tuberculosis, or is suffering from pulmonary tuberculosis in such an advanced stage as to prevent his deriving any benefit from care and treatment at such hospital, he shall be returned to the place of his residence, and the expense of transportation to and from the hospital shall be paid by said local authorities. Admissions to said hospital shall be made in the order in which the names of applicants shall appear upon the application book to be kept as above provided by the superintendent of said hospital, in so far as such applicants are subsequently certified by the said examining physician to be suffering from incipient pulmonary tuberculosis. Every person who is declared as herein provided to be unable to pay for his or her care or treatment shall be transported to and from the hospital at the expense of said local authorities, and cared for, treated and maintained therein at the expense of the municipality which would otherwise be chargeable with the support of such poor or indigent person; and the expense of transportation, treatment, maintenance and the actual cost of articles of clothing furnished by the hospital to such poor or indigent person shall be a county, city or town charge, as the case may be.

(As amended by chapter 108 of the Laws of 1902, and chapter 376 of the Laws of 1906.)

§ 14. Private patients.—Applicants for admission to this institution who are able to pay for their care and treatment are not required to obtain a written request from the local authorities having charge of the relief of the poor, but shall apply in person to the superintendent who shall enter the name of such applicant in the book to be kept by him, for that purpose, as provided in section thirteen; and when there is room in said hospital for the admission of such applicant, without interfering with the preference in the selection of patients, which shall always be given to the indigent, such patient shall be admitted to the hospital upon the certificate of one of the examining physicians, which certificate shall be kept on file by the said superintendent.

§ 15. Support of free patients.—At least once in each month the superintendent of the hospital shall furnish to the comptroller and to the local authorities of each county, city or town, as the case may be, having charge of the relief of the poor, a list of all the free patients in the hospital that are accredited each respective county, city or town and who are shown by the statement of such local authorities to be unable to pay for their care, treatment and maintenance, under the provision of section thirteen of this chapter. And shall accompany each such list with a bill of charges for care, treatment and maintenance at a rate not exceeding five dollars per week for each such free patient, together with items of expense of transportation, fee of the examining physician and the actual cost of articles of clothing furnished by the hospital to each such free patient. The superintendent of the hospital shall thereupon collect from the said local authorities of the counties, cities and town such sums as may be due therefrom, and pay the same over to the state treasurer. (*As amended by chapter 108 of the Laws of 1902, and chapter 376 of the Laws of 1906.*)

§ 16. Support of private patients.—The trustees shall have power and authority to fix the charges to be paid by patients who are able to pay for their care and treatment in said hospital or who have relatives bound by law to support them, who are able to pay therefor.

§ 17. Appropriation.—The sum of fifty thousand dollars is hereby appropriated for the purpose of purchasing a site and of erecting, constructing and equipping the hospital and buildings as herein provided. The treasurer of the state shall, on the warrant of the comptroller, and on the certificate of the state architect pay to the treasurer of the trustees of said hospital the above named sum in such amounts as may, from time to time, in the judgment of the trustees, be necessary.

STATE AGRICULTURAL AND INDUSTRIAL SCHOOL.

AN ACT authorizing the selection of lands as a new site for the state industrial school.

Chapter 527, Laws of 1902.

Section 1. Selection of lands.—For the purpose of acquiring a new site for the state industrial school, the governor, the comp-

troller, the president of the state board of charities, the state architect, and the president of the board of managers of said school, shall, as soon as practicable, select such lands in Monroe county as in their opinion should be secured for a new site for the state industrial school, and to which such school shall be removed. The lands so selected shall comprise one thousand acres, as near as may be. They shall cause to be made by the state engineer and surveyor a map or maps of the lands so selected, which shall be certified by a majority of them and filed in the office of the secretary of state, and duplicates thereof in the office of the clerk of Monroe county.

§ 2. Contracts for sale of lands.—They shall ascertain upon what terms the lands so selected can be purchased of the owner or owners thereof, and whether a good, clear and unincumbered title can be conveyed to the state of New York. They may enter into contracts with such owners, which shall bind such owners to convey to the state the lands described therein at any time within two years from the date thereof, if such conveyance shall be duly authorized hereafter and demanded on behalf of the state within that time.

§ 3. Estimates for improvements.—They shall also cause to be prepared a general plan of the buildings and improvements necessary to be constructed and made upon such lands in order to effect the removal of the state industrial school thereto, and shall cause to be prepared by the state architect preliminary plans and specifications of such buildings and improvements, and the estimated cost thereof.

§ 4. Report to the legislature.—They shall report to the legislature of nineteen hundred and three, the terms upon which such lands can be purchased, and whether a good, clear and unincumbered title thereto can be conveyed to the state, and shall attach to such report a corrected copy of each of such contracts. If such terms cannot be made with the owners of any of the lands so selected, and a contract for the purchase thereof has not been made, such report shall contain an estimate of the amount for which such lands can probably be purchased, based upon such facts as may be ascertained by them.

§ 5. Condemnation.—Whenever appropriation shall have been made for the purchase of the lands described in such map, and

such lands cannot be purchased upon satisfactory terms from the owner or owners thereof, or it may be found necessary, in order to acquire title thereto, then they are hereby authorized and empowered to institute and conduct proceedings in the name of the people of the state of New York, under the condemnation law for the purpose of acquiring title to such lands.

§ 6. Lands when acquired to be a site for the state industrial school.—When such lands shall have been acquired by the state, they shall be known as the state agricultural and industrial school, and be used by the state for the purpose of caring for and training all juvenile delinquents properly committed thereto by courts of competent jurisdiction in accordance with existing laws authorizing commitments to the state industrial school.

NEW YORK STATE TRAINING SCHOOL FOR BOYS.

AN ACT authorizing the selection of lands as a site for the New York state training school for boys, and establishing the said school.

Chapter 718, Laws of 1904.

Section 1. Selection of lands.—For the purpose of acquiring a site for the New York state training school for boys, which is hereby established, the comptroller, the fiscal supervisor of state charities, the president of the board of managers of the society for the reformation of juvenile delinquents in the city of New York, the president of the state board of charities, the state architect shall, as soon as practicable select suitable lands within seventy miles of the city of New York upon which such school shall be located. The lands so selected shall comprise one thousand acres as near as may be. They shall cause to be made by the state engineer and surveyor a map or maps of the lands so selected, which shall be certified by a majority of them and filed in the office of the secretary of state, and duplicates thereof in the office of the clerk of the county wherein such lands are located. (*As amended by chapter 617 of the Laws of 1906.*)

§ 2. Contracts for sale of lands.—They shall ascertain upon what terms the lands so selected can be purchased of the owner or owners thereof, and whether a good, clear and unincumbered title can be conveyed to the state of New York. They may

enter into contracts with such owners, which shall bind such owners to convey to the state the lands described therein at any time within two years from the date thereof, if such conveyance shall be duly authorized hereafter and demanded on behalf of the state within that time.

§ 3. Estimates for improvements.—They shall also cause to be prepared a general plan of the buildings and improvements necessary to be constructed and made upon such land in order to effect the location of the said New York state training school for boys thereon, and shall cause to be prepared by the state architect preliminary plans and specifications of such buildings and improvements, and the estimated cost thereof.

§ 4. Report to the legislature.—They shall report to the legislature of nineteen hundred and seven, the terms upon which such lands can be purchased, and whether a good, clear and unincumbered title thereto can be conveyed to the state, and shall attach to such report a corrected copy of each of such contracts. If such terms cannot be made with the owners of any of the lands so selected, and a contract for the purchase thereof has not been made, such report shall contain an estimate of the amount for which such lands can probably be purchased based upon such facts as may be ascertained by them. They shall at the same time submit to the legislature proposed bills for the purpose of completing the erection and equipment of new buildings on the site selected by them, for the removal of the inmates confined in the house of refuge for juvenile delinquents as established by the society for the reformation of juvenile delinquents in the city of New York, for the future commitment of juvenile delinquents and maintenance of such institution, and providing generally for carrying out the objects and purposes of this act. (*As amended by chapter 133 of the Laws of 1905, and chapter 617 of the Laws of 1906.*)

§ 5. Condemnation.—Whenever appropriation shall have been made for the purchase of the lands described in such map, and such lands cannot be purchased upon satisfactory terms from the owner or owners thereof, or it may be found necessary, in order to acquire title thereto, then they are hereby authorized and empowered to institute and conduct proceedings in the name

of the people of the state of New York, under the condemnation law for the purpose of acquiring title to such lands.

§ 6. Lands when acquired to be a site for the New York state training school for boys.—When such lands shall have been acquired by the state, they shall be known as the New York state training school for boys, and be used by the state for the purpose of caring for and training all juvenile delinquents properly committed thereto by courts of competent jurisdiction in accordance with existing laws authorizing commitments to the house of refuge on Randall's Island.

§ 7. Negotiations with city authorities.—Such commission shall enter into negotiations with the city of New York acting by and through the commissioners of the sinking fund of said city for the purpose of agreeing on terms and conditions in consideration of which the state and managers of the society for the reformation of juvenile delinquents in the city of New York shall abandon the lands and buildings on Randall's Island in said city, now occupied by the house of refuge for juvenile delinquents in the city of New York and shall relinquish all their right and interest therein and permit the same to revert to the city of New York. Such commission and said society shall execute an agreement with the said city of New York acting by and through said board of commissioners of the sinking fund of said city conditioned upon such abandonment and relinquishment whereby said city of New York shall convey in exchange therefor to the state of New York so much of the lands and buildings situated north of Clarkson street and extending from Albany avenue to Utica avenue in the borough of Brooklyn, city of New York, as are now used for state hospital purposes, under lease from said city, or as a potter's field by said city of New York, in fee simple, free and clear of all incumbrances; and in consideration thereof, the state of New York and said society for the reformation of juvenile delinquents of the city of New York shall agree to abandon and relinquish to the city of New York the buildings and lands on Randall's Island now occupied as a house of refuge for juvenile delinquents in the city of New York, together with all their right, title and interest therein, and the same shall revert to and become the property of the said city of New York,

as provided in said agreement subject, however, to the provisions of this section as to the continued occupancy of such lands and buildings by the state and the said society for the reformation of juvenile delinquents. Said contract shall provide, however, for the continued use and occupation of said lands and buildings on Randall's Island by the state of New York, and society for the reformation of juvenile delinquents in the city of New York, until other lands shall have been acquired under the provisions of this act, and buildings with their appurtenances shall have been constructed thereon sufficient to accommodate the inmates confined in said house of refuge on Randall's Island at the time of such removal, and also the necessary officers and employees required for the proper management and care of the institution there to be conducted as a state training school for boys not to exceed eight years. Until the delivery of the deed of said property between Albany avenue and Utica avenue, north of Clarkson street, in the borough of Brooklyn, city of New York, hereinbefore referred to, the lease existing for the portion of said premises used by the state of New York for state hospital purposes, between the city of New York and the state of New York, shall be extended for a further term of at least five years, unless sooner terminated at the option of the said state of New York, on the same terms and conditions as now contained therein. The city of New York acting by and through the commissioners of the sinking fund of said city is hereby authorized to enter into the agreement and lease herein referred to, and to execute and deliver to the state of New York a deed for the said property north of Clarkson street and extending from Albany avenue to Utica avenue in the borough of Brooklyn, city of New York, hereinbefore referred to, in fee simple absolute, free and clear of all incumbrances. On receiving said deed, said commission and the managers of the society for the reformation of juvenile delinquents in the city of New York are authorized to execute a proper conveyance or release of the right, title and interest of the state and of said society in the lands and buildings on Randall's Island, now occupied as a house of refuge for juvenile delinquents in the city of New York, to the city of New York. (*As amended by chapter 133 of the Laws of 1905, and chapter 617 of the Laws of 1906.*)

EXCERPTS FROM THE STATE FINANCE LAW.

Chapter 413 of the Laws of 1897, as amended by Chapter 383 of 1899;
432 and 457 of 1901, and 239 of 1903; and 448 of 1904.

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Section 10. Deposit of moneys by state officers.

11. Deposit of moneys by charitable and benevolent institutions.

12. Proofs required on audit by the comptroller.

13. Regulations for the transmission of public moneys.

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17. Itemized and quarterly accounts of public officers.

18. Inspection of supplies and entry in books.

19. Deposit in banks of moneys received by state institutions.

20. Annual inventory and report of institutions.

21. Rendition of accounts.

22. Statements of accounts not rendered.

23. Statements of accounts rendered.

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35. Indebtedness not to be contracted without appropriation.

36. Specific appropriation not to be used for other purposes.

37. Monthly payments to state treasurer.

38. Contracts in pursuance of appropriations.

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40. Estimates for purchase of staple articles of supplies.

Section 10. Deposit of moneys by state officers.—Every state officer or other person except the state treasurer, receiving or disbursing moneys belonging to the state, shall deposit and keep all the moneys received by him, deposited to his official credit in some responsible bank or banking house, to be designated by the comptroller, until such moneys are paid out or disbursed according to law. Every such bank or banking house, when required by the comptroller, shall execute and file in his office an undertaking to the state in such sum and with such sureties as are required and approved by him, for the safe keeping and prompt payment on legal demand therefor of all such moneys

held by, or on deposit in such bank or banking house, with interest thereon, on daily or monthly balances at such rate as the comptroller may fix. Every such undertaking shall have indorsed thereon, or annexed thereto, the approval of the attorney-general as to its form.

§ 11. Deposit of moneys by charitable and benevolent institutions.—All moneys received from the state by any charitable or benevolent institution, supported wholly or partly by moneys received from the state, shall be deposited in such national or state bank or trust company, as the comptroller may designate. Every such bank or trust company shall give an undertaking, as provided in the last section. The treasurer of such institution shall keep all the funds thereof which come into his possession from the state, deposited in his name as such treasurer in such bank or trust company.

§ 12. Proofs required on audit by the comptroller.—The comptroller shall not draw his warrant for the payment of any sum appropriated, except for salaries and other expenditures and appropriations, the amounts of which are duly established and fixed by law, until the person demanding the same presents to him a detailed statement thereof in items and makes all reports required of him by law. If such statement is for services rendered or articles furnished, it must show when, where, to whom and under what authority they were rendered or furnished. If for traveling expenses, the distance traveled, between what places, the duty or business for the performance of which the expenses were incurred, and the dates and items of each expenditure. If for transportation, furniture, blank and other books purchased for the use of offices, binding, blanks, printing, stationery, postage, cleaning and other necessary and incidental expenses, a bill duly receipted must be attached to the statement. Each statement of accounts must be verified by the person presenting the same to the effect that it is just, true and correct, that no part thereof has been paid, except as stated therein, and that the balance therein stated is actually due and owing. No payment shall be made to any salaried state officer or commissioner having an office established by law, for personal expenses incurred by him while in the discharge of his duties as such officer

or commissioner at the place where such office is located. No manager, trustee or other officer of any state charitable or other institution, receiving moneys from the state treasurer in whole or in part for the maintenance or support of such institution shall be interested in any purchase or sale by any of such officers.

§ 13. Regulations for the transmission of public moneys.—The comptroller may make such regulations and give such directions from time to time, respecting the transmission to the treasury of moneys belonging to the state from the several county treasurers and other public officers as in his judgment is most conducive to the interests of the state. He may, in his discretion, audit, allow and cause to be paid the expenses necessarily incurred under or in consequence of such regulations and directions or so much thereof as he deems equitable and just.

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§ 17. Itemized and monthly accounts of public officers.—The proper officer of each state hospital, asylum, charitable or reformatory institution, the state commission in lunacy, the state board of charities, the state board of health, the commissioners of fisheries, game and forests and all other state commissions, commissioners and boards, shall, on or before the fifteenth day of each month, render to the comptroller a detailed and itemized account of all receipts and expenditures of such hospital, asylum, institution, commission, board of commissioners during the month next preceding. Such accounts shall give in detail the source of all receipts, including the sums received from any county, and to be accompanied by original and proper vouchers for all funds paid from the state treasury, unless such vouchers have been previously filed with the comptroller and have appended or annexed thereto the affidavit of the officer making the same to the effect that the goods and other articles herein specified were purchased and received by him or under his direction or that the indebtedness was incurred under his direction; that the goods were purchased at a fair cash market price and that neither he, nor any person in his behalf, had any pecuniary or other interest in the articles purchased or in the indebtedness incurred; that he received no pecuniary or other benefit therefrom, nor any promises thereof; that the articles

contained in such bill were received by him, and that they conformed in all respects to the goods ordered by him or under his direction, both in quality and quantity. The state comptroller and the president of the state board of charities, shall from time to time classify into grades the officers and employes of the various charitable and reformatory institutions required by law to report to the fiscal supervisor and in the month of September of each year recommend to the governor such changes in the salaries or wages of such officers and employes for the ensuing fiscal year as may seem proper, but such changes shall not be made unless the governor shall approve the same in writing. Differences in the expense of living and rates of wages in the localities in which such institutions are situate may be considered. The comptroller shall have the power of audit subject to such classification. (*As amended by chapter 383 of the Laws of 1899, 432 of 1901 and 239 of 1903.*)

§ 18. Inspection of supplies and entry in books.—The steward, clerk or bookkeeper in every such institution, board or commission shall receive and examine all articles purchased or received for the maintenance thereof, compare them with the bills for the same, ascertain whether they correspond in weight, quality or quantity, and inspect the supplies thus received. Such steward, clerk or bookkeeper shall enter each bill of goods thus received in the books of the institution or department at the time of receipt thereof. He shall make a full memorandum in the book of accounts of such institution of any difference in weight, quality or quantity of any article received from the bill thereof, and no goods or other articles of purchase or manufacture or farm or garden production of land of the institution shall be received unless so entered in such book with the proper bill, invoice or statement, according to the form of accounts and record prescribed by the comptroller. In accounts for repairs or new work, the name of each workman, the number of days employed and the rate and amount of wages paid to him shall be given. If contracts are made for repairs or new work, or for supplies, a duplicate thereof, with specifications, shall be filed with the comptroller. The steward of every such institution or other officer performing the duties of a steward under what-

ever name, shall take, subscribe and file with the comptroller, before entering on his duties, the constitutional oath of office, and may administer oaths and take affidavits concerning the business of such institution.

§ 19. Deposit in banks of moneys received by state institutions.—Every state institution supported, in whole or in part, by the state, shall deposit at interest, all its funds received from sources other than the state in a bank or trust company, which shall give a bond with sufficient sureties for the security of such deposit, to be approved by the comptroller. (*As amended by chapter 457 of the Laws of 1901.*)

§ 20. Annual inventory and report of institutions.—Every state charitable institution, state hospital, reformatory, house of refuge and industrial school shall file with the comptroller annually, on or before October twentieth, a certified inventory of all articles of maintenance on hand at the close of the preceding fiscal year, stating the kind and amount of each article. Every state charitable institution, state hospital, reformatory, house of refuge, state agricultural experiment station, and the quarantine commissioners, required by law to report annually to the legislature, shall state an inventory of each article of property, stating its kind and amount, except supplies for maintenance, belonging to the state and in their possession on October first of each year.

§ 21. Rendition of accounts.—The comptroller, from time to time, shall require all public officers and other persons receiving moneys or securities, or having the care and management of any property of the state, of which an account is or is required to be kept in his office, to render statements thereof to him; and all such officers or persons shall render such statements at such time and in such form as he requires, and at all times when required by law. He may require any one presenting to him an account or claim for audit or settlement, to be examined upon oath before him touching such account or claim, as to any facts relating to its justness or correctness. He may issue a notice to any person receiving moneys of the state for which he does not account or to the legal representatives of such a person, requiring an account and vouchers for the expenditure of such

moneys to be rendered at a time to be fixed not less than thirty nor more than ninety days from the date of the service of the notice. Such notice shall be served by delivering a copy thereof to such person or representative or leaving such copy at his usual place of abode; and if such service is made by the sheriff of the county, where the person served resided, the certificate of such sheriff, and if made by any other person, the affidavit of such other person, shall be presumptive evidence of such service.

§ 22. Statements of account not rendered.—The comptroller shall state an account against every person who receives moneys belonging to the state for which he does not account when required, charging him with the amount received according to the best information which the comptroller may have in regard thereto, with interest at six per centum per annum from the time when the same was due and payable, and shall deliver a certified copy of such account to the attorney-general for prosecution, and such certified copy shall be presumptive evidence of the indebtedness of such person to the state for the amount stated therein. The person against whom an action is brought by the attorney-general on any such account, shall be liable for and pay the costs of the action whether final judgment therein shall be against him or in his favor, unless he is sued as the representative of the person originally accountable for such moneys.

§ 23. Statements of accounts rendered.—The comptroller shall immediately examine the accounts rendered by every public officer or other person receiving moneys belonging to the state, with the vouchers, and audit, adjust and make a statement thereof. If any necessary vouchers are wanting or defective, he shall give notice to such person to furnish proper vouchers within not less than thirty nor more than ninety days, and at the expiration of such time he shall audit, adjust and make a statement of such accounts on the vouchers and proofs before him. He shall transmit a copy of every account as settled to such persons, and if any balance is stated therein to be due the state, and is not paid to the treasurer within ninety days after its transmission to such person, the comptroller shall deliver a

certified copy of such account to the attorney-general for prosecution. Such certified copy shall be presumptive evidence of the indebtedness of such person to the state for the balance so certified, and if on the trial of any action brought thereon, the defendant gives any evidence other than such as was produced to the comptroller before the statement of such accounts, and by means thereof, the balance so stated is reduced or no balance is found to be due, the defendant shall be liable for and pay the costs of such action.

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§ 35. Indebtedness not to be contracted without appropriation.—A state officer, employe, board, department or commission shall not contract indebtedness on behalf of the state, nor assume to bind the state, in an amount in excess of money appropriated or otherwise lawfully available. (*Added by chapter 580 of the Laws of 1899.*)

§ 36. Specific appropriation not to be used for other purposes.—Money appropriated for a specific purpose shall not be used for any other purpose; and the comptroller shall not draw a warrant for the payment of any sum appropriated, unless it clearly appears from the detailed statement presented to him by the person demanding the same as required by this chapter, that the purposes for which such money is demanded are those for which it was appropriated. The comptroller shall not audit any claim for salary, labor or wages, unless an appropriation applicable thereto has been already made specifying the amount thereof appropriated for such purpose. (*Added by chapter 580 of the Laws of 1899.*)

§ 37. Monthly payments to state treasurer.—Every state officer, employe, board, department or commission receiving money for or on behalf of the state from fees, penalties, costs, fines, sales of property, or otherwise, except the health officer of the port of New York, shall on the fifth day of each month, pay to the state treasurer all such money received during the preceding month and on the same day file a detailed verified statement of such receipts with the comptroller, who shall keep an account thereof in his office. This section shall not apply to the manufacturing fund of the state prisons, known as the

capital fund nor to the convict deposit and miscellaneous earning fund, so called, of the state prisons and Eastern New York reformatory; nor to the proceeds of sales of manufactures or other products of the state hospitals for the insane. This section shall be deemed to supersede any other provision of this chapter or of any other general or special law inconsistent therewith. (*Added by chapter 580 of the Laws of 1899, and amended by chapter 715 of the Laws of 1899, chapter 326 of the Laws of 1900, and chapter 457 of the Laws of 1901.*)

§ 38. Contracts in pursuance of appropriations.—A contract or contracts made in pursuance of an appropriation by the state for a specific object shall be for the completion of the work contemplated by the appropriation, and in the aggregate shall not exceed the amount of such appropriation. A contract for a part of such work shall not be binding upon the state until contracts are also made covering the entire work contemplated by such appropriation, except where it is expressly provided by such appropriation that a part of the work may be done by day's labor. Every such contract shall be accompanied by a bond for the completion of the work specified in the contract, within the amount stipulated therein, which bond shall be filed in the office of the state comptroller. (*Added by chapter 479 of the Laws of 1899.*)

* * * * *

§ 40. Estimate for purchase of staple articles of supplies.—Whenever the superintendent, agent and warden or other managing officer of a state institution is required by law to submit to any state commission, department or officer, an estimate of the expense required for such institution during any subsequent period, such estimate may, if authorized by the commission, department or officer whose duty it is to revise the same, and if such authorization be approved by the comptroller, include an amount sufficient for the purchase of certain staple articles of supplies for the use of such institution for a period beyond that for which such estimate is ordinarily made. (*Added by chapter 448 of the Laws of 1904.*)

PURCHASE OF SUPPLIES FOR STATE INSTITUTIONS.

AN ACT requiring preference to be given in the purchase of supplies for state institutions to products raised within this state.

Chapter 32, Laws of 1899.

Section 1. The officers, boards, commissions and departments whose duty it is to purchase supplies for the maintenance of inmates in state institutions, shall, in purchasing such supplies, give preference to products raised within the state, price and quality being equal.

COMMITTEES FOR INCOMPETENT PERSONS.

AN ACT to amend section twenty-three hundred and twenty-three-a of the code of civil procedure, relating to the appointment of committees for incompetent persons who are inmates of state institutions.

Chapter 509, Laws of 1904.

Section 1. Section twenty-three hundred and twenty-three-a of* of the code of civil procedure is hereby amended so as to read as follows:

§ 2323-a. Where an incompetent person has been committed to a state institution in any manner provided by law, and is an inmate thereof, the petition may be presented on behalf of the state by a state officer having special jurisdiction over the institution where the incompetent person is confined or the superintendent or acting superintendent of said institution; the petition must be in writing and verified by the affidavit of the petitioner or his attorney, to the effect that the matters therein stated are true to the best of his information or belief; it must show that the person for whose person or property, or both, a committee is asked has been legally committed to a state institution over which the petitioner has special jurisdiction, or of which he is superintendent or acting superintendent, and is at the time an inmate thereof; it must also state the institution in which he is an inmate, the

* So in original.

date of his admission, his last known place of residence, the name and residence of the husband or wife, if any, of such person, and if there be none, the name and residence of the next of kin of such person living in this state so far as known to the petitioner; the nature, extent and income of his property, so far as the same is known to the petitioner, or can with reasonable diligence be ascertained by him. The petition may be presented to the supreme court at any special term thereof, held either in the judicial district in which such incompetent person last resided, or in the district in which the state institution in which he is committed is situated, or to a justice of the supreme court at chambers within such judicial district, or to the county court of the county in which the incompetent person resided at the time of such commitment, or of the county in which said institution is situated. Notice of the presentation of such petition shall be personally given to such person, and also to the husband or wife, if any, or if none to the next of kin named in the petition and to the officer in charge of the institution in which such person is an inmate. Upon the presentation of such petition, and proof of the service of such notice, the court or justice may, if satisfied of the truth of the facts required to be stated in such petition, immediately appoint a committee of the person or property, or both, of such incompetent person or may require any further proof which it or he may deem necessary before making such appointment.

DEPOSIT OF FUNDS OF CHARITABLE INSTITUTIONS.

AN ACT to regulate the deposit of funds received by charitable and benevolent institutions supported in whole or in part by public moneys.

Chapter 415, Laws of 1884.

Section 1. Board of trustees to designate depository of funds.—It shall be the duty of the board of trustees or managers of each charitable or benevolent institution in this state, supported in whole or in part by moneys received from the state, or by any county, city or town thereof, to designate by resolution, to be entered upon their minutes, some duly incorporated national or state bank or trust company as the depository of the funds of such institution.

§ 2. Treasurer to deposit moneys in same.—After such designation, it shall be the duty of the treasurer of each such charitable or benevolent institution immediately to deposit in the bank or trust company so designated, in his name as treasurer of the institution, naming it, all funds of the institution which may come into his possession.

INVESTIGATION OF COMPLAINTS AGAINST CHARITABLE INSTITUTIONS.

AN ACT to provide for taking testimony in certain matters relating to state charitable institutions.

Chapter 699, Laws of 1871.

Section 1. Investigation of complaints, etc.; power to administer oaths and compel attendance of witnesses; production of papers.—Whenever the state board of commissioners of public charities, or the managers, directors or trustees of any asylum, hospital, or other charitable institution, the managers, directors or trustees of which are appointed by the governor and senate, or by the legislature, shall deem it necessary or proper to investigate and ascertain the truth of any charge or complaint made or circulated respecting the conduct of the superintendent, assistants, subordinate officers or servants, in whatever capacity or duty employed by or under the official control of any such board, managers, directors or trustees, it shall be lawful for the presiding officers for the time being of any such board, managers, directors or trustees, to administer oaths to all witnesses coming before them respectively for examination, and to issue compulsory process for the attendance of any witness within the state whom they may respectively desire to examine, and for the production of all papers that any such witness may possess, or have in his power, touching the matter of such complaint or investigation; and willful false swearing by any witness who may be so examined is hereby declared to be perjury.

§ 2. Fees of witnesses.—All persons examined as witnesses under the first section of this act shall be paid the same fees as are now paid to witnesses in the supreme court by the said board, managers, directors or trustees, authorizing the issue of such compulsory process.

REPORTING OF PERSONS IN STATE INSTITUTIONS.

AN ACT to provide for the reporting of persons in the various state benevolent institutions of this state.

Chapter 54, Laws of 1876.

Section 1. Officers to report.—It shall be the duty of the superintendent, warden or other proper officer in charge of each of the benevolent institutions of this state, in which are persons whose maintenance, treatment, tuition or clothing is a charge against any county of this state, to make a report on or before the fifteenth day of September, in each year, to the clerk of the board of supervisors of the county to which such maintenance, treatment, tuition or clothing is chargeable, which report shall show the name, age, sex, color and nationality of every person in such institution, chargeable to such county; also, when each person was received into such institution, from what town sent, for what term received, to what time the expense of each such person has been paid, and the amount chargeable to such county for each such person for the ensuing year, which report shall be verified by the oath or affirmation of the person making the same.

SPECIAL STATUTES PROVIDING FOR APPROPRIATIONS TO CERTAIN HOSPITALS AND DISPENSARIES IN NEW YORK STATE.

THE ALBANY CITY HOMEOPATHIC HOSPITAL AND DISPENSARY.

AN ACT making an appropriation for certain expenses of government and supplying deficiencies in former appropriations.

Chapter 686, Laws of 1906.

Section 1. The treasurer shall pay, on the warrant of the comptroller, * * * * *

For the maintenance and medical care by the * * * * * Homeopathic hospital of such officers, members and employees of the several branches, departments, and bureaus of the state government located in Albany, as may be injured or become sick, while in the performance of their duties, two thousand dollars (\$2,000), said persons to be admitted upon the certificate of the trustees of public buildings through the superintendent of public buildings, after a proper certificate of disability signed by a member of the attending staff of the * * * * * Homeopathic hospital, who shall be designated by him, shall have been filed with said superintendent.

ALBANY HOSPITAL, ALBANY.

AN ACT making an appropriation for certain expenses of government, and supplying deficiencies in former appropriations.

Chapter 686, Laws of 1906.

Section 1. The treasurer shall pay, on the warrant of the comptroller, * * * * *

For the maintenance and medical care by the Albany hospital * * * * * of such officers, members and employees of the several branches, departments and bureaus of the state

government located in Albany, as may be injured or become sick, while in the performance of their duties, two thousand dollars (\$2,000), said persons to be admitted upon the certificate of the trustees of public buildings through the superintendent of public buildings, after a proper certificate of disability signed by a member of the attending staff of the Albany hospital, * * * who shall be designated by him, shall have been filed with said superintendent.

**AURELIA OSBORN FOX MEMORIAL HOSPITAL SOCIETY,
ONEONTA.**

AN ACT authorizing the town board of the town of Oneonta to appropriate certain moneys to the Aurelia Osborn Fox memorial hospital society of Oneonta.

Chapter 193, Laws of 1905.

Section 1. The town board of the town of Oneonta is hereby authorized to appropriate and pay annually on or before June first, from the moneys received by the said town under the provisions of the liquor tax law, to the Aurelia Osborn Fox memorial hospital society of Oneonta, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of Oneonta, owned and conducted by said society, as may be received therein, pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars, and such money shall be paid only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the town of Oneonta, requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town of Oneonta shall make payment of such moneys to said hospital association when authorized and directed so to do by the said board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments or otherwise as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

BINGHAMTON CITY HOSPITAL, BINGHAMTON.

AN ACT to create a board of managers, and to provide for the control and management of a nonsectarian city hospital, in the city of Binghamton.

Chapter 135, Laws of 1904.

Section 1. Within thirty days after the passage of this act, the mayor of the city of Binghamton shall appoint six citizen taxpayers of said city, to serve as hospital managers, who, with the mayor from time to time of said city, are hereby constituted a body corporate, by the name of "The Board of Managers of the Binghamton City Hospital," and in that name may sue and be sued, prosecute, complain and defend in any court; and may receive and hold for the use and benefit of the Binghamton city hospital, gifts, devises and grants of real and personal property.

§ 2. Within fifteen days after the aforesaid appointments, the persons so appointed shall meet at the city clerk's office in said city, and then and there determine by lot the order in which their respective terms of office shall expire, and the determination so made shall, within twenty days thereafter, be certified by said clerk to the common council of said city. If, for any cause said managers fail to assemble and determine as aforesaid, the said common council shall, within twenty days thereafter, make such determination. The term of office of one of said managers shall expire on the first day of April, nineteen hundred and five, and one on the first day of each April thereafter.

§ 3. The mayor of the city of Binghamton, at the regular meeting of the common council of said city, next preceding the first day of April, nineteen hundred and five, and next preceding the first day of April in each succeeding year thereafter, shall appoint a citizen taxpayer of said city manager in place of the one whose term is about to expire on the first day of April in that year.* The term of office of each manager so appointed shall commence on the first day of April next after his appointment, and shall continue for the period of six years and until his successor shall have been appointed and shall qualify. Any vacancy occurring by reason of death, resignation, removal from the city,

*So in original.

or otherwise, shall be filled by the mayor by appointment for the unexpired term.

§ 4. Every manager, before entering upon the duties of his office, and within ten days after notice of his appointment, shall take and file with the city clerk the constitutional oath of office, and shall also enter into a bond to the city of Binghamton in such sum as shall be prescribed by the common council, and with one or more sufficient sureties to be approved by the mayor of said city, conditioned for the faithful performance of his duties as such manager, and file the same in the office of the city clerk.

§ 5. The mayor of the city shall be ex officio president of said board of managers, but shall have no vote therein on the appointment of any officer, nor upon any other question except in case of a tie vote.

§ 6. The board of managers shall, from time to time, appoint one of their number to be the vice-president of said board; one to be the treasurer thereof, and may appoint one of their number to be the secretary thereof, or may require the duties of the secretary to be performed by the superintendent of the hospital. The treasurer before he enters upon the duties of his office, shall enter into a bond to said city, in such sum as shall be prescribed by said common council, with one or more sufficient sureties, to be approved by the mayor of said city, conditioned that he will faithfully perform his duties as such treasurer, and render an account to said common council of his receipts and disbursements as such treasurer, from time to time, when required by said common council; and at the first meeting of said common council in April of each year, render a full and detailed statement of the financial transactions of said board during the preceding year.

§ 7. A meeting of a majority of said board of managers shall be necessary for the transaction of any business, except to adjourn, which may be done by any lesser number present.

§ 8. Said board of managers shall have the custody and control of all the property, real and personal, now held and owned by said city, for hospital purposes, except the smallpox hospital, and also of any property which may hereafter be acquired for hospital purposes; and said board of managers shall formulate and submit to the common council for its approval, rules and

regulations for the reception or admission of patients and the general regulation and management of the Binghamton city hospital and its business, and any change or amendment of such rules and regulations shall, before the same shall become operative, be submitted to and approved by said common council.

§ 9. No manager shall be interested, either directly or indirectly, in any contract relating to work to be done upon or, for materials to be furnished for said hospital, nor shall he receive any compensation for any service rendered by him as such manager, except his actual disbursements.

Chapter 303, Laws of 1906.

§ 1. The common council shall have power to cause to be raised, annually, * * * * * not exceeding fifteen thousand dollars, to aid in defraying the expenses of a nonsectarian city hospital.

BROOKS MEMORIAL HOSPITAL, DUNKIRK.

AN ACT to amend chapter three hundred and ninety-six of the laws of eighteen hundred and eighty-five entitled "An act to revise the charter of the city of Dunkirk," in relation to the application and payment of certain moneys by said city.

Chapter 140, Laws of 1899.

§ 9. The common council of the city of Dunkirk is hereby authorized to appropriate and pay annually from the surplus moneys received by the said city of Dunkirk under this title and remaining in its hands after payment of the necessary expenses incurred in the maintenance of the police and poor departments of the said city, to the Brooks Memorial Hospital, for the care, support and maintenance of such of the inmates of said hospital as may be received therein pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars; and such appropriation shall be made only so long as the said hospital shall treat free of charge, such indigent persons, actual residents of the said city of Dunkirk, requiring treatment, as come within the classes treated by said hospital. Said common council is hereby

authorized to pay same within thirty days after the end of each fiscal year. The payment for the year eighteen hundred and ninety-nine may be made from the surplus of the fiscal year ending February first, eighteen ninety-nine. In the event of the said surplus remaining in the hands of the city of Dunkirk for any one year after the payment of the necessary expenses incurred in the maintenance of the police and poor departments of the said city, being insufficient to permit the payment of the moneys for the payment of which to the Brooks Memorial Hospital, provision is hereby made, then and in that case the common council of the city of Dunkirk is hereby authorized to make so much of such payment as shall remain after the application of the said surplus, out of the general fund of said city, and the common council of said city is hereby authorized to add the amount which it shall pay out of the general fund in any one year, to the next annual city tax, to be collected for the purpose of reimbursing said general fund for such expenditure.

CITY HOSPITAL, LOCKPORT.

AN ACT to establish an hospital for the city of Lockport, to be known as the city hospital, and to provide for the erection, government and maintenance thereof, and to repeal chapter four hundred twenty-two of the laws of nineteen hundred.

Chapter 568, Laws of 1901.

Section 1. The common council of the city of Lockport is hereby authorized to issue bonds to the amount of five thousand dollars, for the purpose of raising funds with which to construct a general hospital. Said bonds shall bear interest at not to exceed four per centum per annum, payable semi-annually, and shall not be sold at less than par, and one thousand dollars of the principal sum of said bonds shall become due and payable at the end of each period of one year from and after the issue thereof; and the principal and interest thereof shall be payable at the office of the city treasurer of said city, or at such place as the common council thereof shall designate. Said bonds shall be signed by the mayor, countersigned by the city clerk of said city, and be

sealed with the city seal, and shall be sold by the city treasurer upon sealed proposals received by him, after public advertisement for not less than ten days, to the highest bidder or bidders therefor, for not less than the par value thereof. The common council of said city is authorized to raise by general tax levy in each and every year, after the issue of said bonds, the amount of principal and interest of said bonds due in each such year. The moneys received from the sale of said bonds shall be placed by the city treasurer to the credit of a fund to be known as the city hospital fund, and shall only be used for the purposes of this act, and all drafts thereon shall be audited and approved by the common council thereof.

§ 2. As soon as may be, after the passage of this act, the common council of said city shall procure plans for a new hospital building to be made with estimates of the cost thereof, and shall thereupon approve or reject the same. If the common council shall approve such plans, it shall at once advertise for sealed proposals for the erection and equipment of such hospital building, and the contract therefor shall be let to the lowest bidder, who shall furnish satisfactory security for its faithful performance, unless the council reject all bids therefor, which it may do; but no portion of the moneys authorized to be raised by this act shall be expended for the purchase of a site for an hospital building.

§ 3. The city of Lockport is hereby authorized to retain, for the purpose of a site for the said hospital, any real estate, which it may now own, or the title to which it may hereafter acquire through tax sale proceedings.

§ 4. After the construction of the said hospital building the control thereof shall vest in the board of health of said city, but said board shall not order the expenditure of any money or make any contract, with reference to said hospital, except by a majority vote of all its members, which vote shall be taken by yeas and nays, and entered in the minutes. No expenditure or contract, amounting to one hundred dollars or more, shall be made without the consent of the common council, and before the board shall enter into a contract for the performance of any work or the furnishing of any supplies, the expense of which shall equal the

sum of one hundred dollars, it shall, after having obtained the common council's consent, cause a notice to be published in three successive numbers of the official paper, inviting proposals for the same, according to plans and specifications then on file in its office, and such contract shall be let to the lowest bidder, who shall furnish satisfactory security for its faithful performance, unless the board rejects all bids therefor, which it may do.

§ 5. The sum raised by the city of Lockport under the provisions of section two hundred and thirty-one, of title fourteen of the charter of the city of Lockport, known as the "Flagler Hospital Fund," may be used for the maintenance and support of the city hospital.

§ 6. The said board of health shall make rules and regulations for the conduct of said hospital, and shall fix the terms for care and board upon which persons, who are able to pay therefor, shall be admitted thereto. But no person shall be refused admission to said hospital, because of his or her inability to pay. They shall also appoint all necessary employes, nurses and servants, and fix their compensation. All rules and regulations made by said board, all appointments hereunder and the compensation of any employes shall be subject to the approval of the common council.

§ 7. All moneys received for the board and care of patients treated in said hospital shall be paid to the treasurer of the city of Lockport to the credit of the city hospital fund.

§ 8. Chapter four hundred twenty-two of the laws of nineteen hundred is hereby repealed.

CITY OF KINGSTON HOSPITAL, KINGSTON.

AN ACT to amend chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six, entitled "An act to revise and consolidate the several acts in relation to the city of Kingston, to revise the charter of said city, and to establish a city court therein and define its jurisdiction and powers."

Chapter 91, Laws of 1900.

Section 1. Subdivision four of section seventy-seven of chapter seven hundred and forty-seven of the laws of eighteen hundred and ninety-six is hereby amended so as to read as follows:

4. Contract with the city of Kingston hospital for the medical and surgical treatment of the city poor thereat and expend therefor forty-five hundred dollars per annum, or so much thereof as may be necessary.

CORTLAND HOSPITAL ASSOCIATION, CORTLAND.

AN ACT authorizing appropriations by the board of supervisors of Cortland county for the support and maintenance of inmates of the hospital of the Cortland hospital association.

Chapter 132, Laws of 1904.

Section 1. The board of supervisors of the county of Cortland, are hereby authorized to appropriate to the Cortland hospital association, a corporation located in said county, for the care, support and maintenance of such inmates of the hospital of said corporation, as may be received and retained therein, pursuant to the rules established by the state board of charities, such sums annually as said board of supervisors shall deem proper, and payment may be made therefor subject to such rules. The amount appropriated in any one year shall not exceed one thousand dollars. The board of managers of said corporation shall report annually in writing to the board of supervisors of such county the number of patients so received and cared for, with their names, age, sex, nature of disease or wounds and date of entrance and departure from the hospital.

FLAGLER HOSPITAL, LOCKPORT.

AN ACT to revise the charter of the city of Lockport.

Chapter 120, Laws of 1886.

§ 231. The common council may raise each year * * * for the maintenance of the Flagler hospital, one thousand dollars, to be known as the Flagler hospital fund. * * * (*As amended by chapter 639 of the Laws of 1894, and chapter 182 of the Laws of 1905.*)

HELPING HAND HOSPITAL ASSOCIATION, PEEKSKILL.

AN ACT authorizing the town board of the town of Cortlandt to appropriate certain moneys to the helping hand hospital association of Peekskill, New York.

Chapter 263, Laws of 1905.

Section 1. The town board of the town of Cortlandt in the county of Westchester is hereby authorized to appropriate and pay annually from the moneys received by the said town under the provisions of the liquor tax law, to the helping hand hospital association of Peekskill, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of Cortlandt, owned and conducted by said association, as may be received therein, pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars, and such money shall be paid only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the town of Cortlandt requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town of Cortlandt shall make payment of such moneys to said hospital association when authorized and directed so to do by the said board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments or otherwise as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

HOSPITAL ASSOCIATION OF THE CITY OF SCHENECTADY.

AN ACT to amend and consolidate the several acts relating to the city of Schenectady.

Chapter 371, Laws of 1903.

§ 89. Appropriation for hospital associations; * * * * *

The board of estimate and apportionment may annually include in the tax budget not more than four thousand dollars, for the hospital association of the city of Schenectady, for the care,

support and maintenance of such inmates of such hospital as may be received and retained therein, pursuant to rules established by the state board of charities, and payments may be made therefor subject to such rules. * * *

AN ACT to authorize the city of Schenectady to borrow money and issue the bonds of said city therefor, for the purpose of purchasing the buildings and premises now used, occupied and owned by the hospital association of said city and for the repairing and renovation of said buildings and premises.

Chapter 230, Laws of 1905.

Section 1. The common council of the city of Schenectady is hereby authorized and empowered to issue the bonds of said city to an amount not exceeding in the aggregate thirty thousand dollars, in sums of one thousand dollars each, payable at such time within thirty years after their respective issues as the said common council shall determine, with interest payable semi-annually, at a rate not to exceed five per centum per annum, the rate thereof to be determined by the said common council. Such bonds shall be executed by the mayor and the treasurer of said city under the corporate seal of said city and countersigned by the comptroller of said city. The said comptroller shall sell and dispose of such bonds or any part thereof at public auction or by sealed proposals after giving at least three weeks' public notice of the time and place of sale by daily publication thereof in the official newspaper of said city and in such other newspapers as the said common council shall determine and shall award the same to the highest bidder or bidders therefor, but at not less than par and accrued interest.

§ 2. All moneys received from the sale of such bonds shall be deposited with the treasurer of said city who shall keep a separate account thereof and shall be used and expended for the purchasing of the buildings and premises now used, occupied and owned by the hospital association of the city of Schenectady and for the repairing and renovation of said buildings and premises.

§ 3. The interest and principal of such bonds shall be paid by said city when due, to the owners of said bonds and the sums of money required for such payment shall be assessed, levied, raised and collected by a tax, upon the real and personal property liable

to taxation in said city and in the same manner as any other public or general tax of said city and in addition to the general and ordinary taxes of said city now authorized by law.

LITTLE FALLS HOSPITAL, LITTLE FALLS.

AN ACT to incorporate the city of Little Falls.

Chapter 565, Laws of 1895.

§ 57. * * * The common council * * * may contract with an incorporated hospital located within the city for the nursing and support of such class or classes of injured or sick persons, as may be stated in such contract, and who are received and retained in such hospital pursuant to rules established by the state board of charities, and appropriate and pay therefor to such hospital an annual sum not exceeding twelve hundred dollars; * * * (*As amended by chapter 12 of the Laws of 1903.*)

NASSAU HOSPITAL ASSOCIATION, NASSAU.

AN ACT authorizing the raising and appropriating by the town of North Hempstead of moneys to support inmates of the hospital of the Nassau Hospital association, at Mineola, in the town of North Hempstead.

Chapter 553, Laws of 1897.

Section 1. It shall be lawful for the electors of the town of North Hempstead, at any regular town meeting, to vote by ballot a sum of money, not exceeding three thousand dollars in any year, for the purpose of paying the Nassau Hospital association, a corporation located at Mineola, in the town of North Hempstead, county of Queens, for the care, support and maintenance of such inmates of the hospital as may be received and retained therein from the town of North Hempstead pursuant to rules established by the state board of charities. The board of managers of said corporation shall report annually in writing to the town board of North Hempstead the number of patients received

and cared for, with their names, age, sex, nature of disease or wounds and date of entrance and departure from the hospital.

§ 2. The amount voted at such town meeting shall be assessed, levied and collected in the same manner as other expenses of said town, and shall be paid to the supervisor of the town of North Hempstead, who shall pay such sum to the managers of the Nassau Hospital association at such times and in such manner as may be necessary to comply with the provisions of section one of this act.

AN ACT authorizing the raising and appropriating by the town of Hempstead of moneys to support inmates of the hospital of the Nassau Hospital association, at Mineola, in the town of North Hempstead.

Chapter 615, Laws of 1897.

Section 1. It shall be lawful for the electors of the town of Hempstead, at any regular town meeting, to vote by ballot a sum of money, not exceeding three thousand dollars in any year, for the purpose of paying the Nassau Hospital association, a corporation located at Mineola, in the town of North Hempstead, county of Queens, for the care, support and maintenance of such inmates of the hospital as may be received and retained therein from the town of Hempstead pursuant to rules established by the state board of charities. The board of managers of said corporation shall report annually in writing to the town board of Hempstead the number of patients received and cared for, with their names, age, sex, nature of disease or wounds, and date of entrance and departure from the hospital.

§ 2. The amount voted at such town meeting shall be assessed, levied and collected in the same manner as other expenses of said town, and shall be paid to the supervisor of the town of Hempstead, who shall pay such sum to the managers of the Nassau Hospital association at such times and in such manner as may be necessary to comply with the provisions of section one of this act.

AN ACT authorizing the raising and appropriating by the town of Oyster Bay of money to support inmates of the hospital of the Nassau Hospital association, at Mineola, in the town of North Hempstead.

Chapter 616, Laws of 1897.

Section 1. It shall be lawful for the electors of the town of Oyster Bay, at any regular town meeting, to vote by ballot a sum of money, not exceeding three thousand dollars in any year, for the purpose of paying the Nassau Hospital association, a corporation located at Mineola, in the town of North Hempstead, county of Queens, for the care, support and maintenance of such inmates of the hospital as may be received and retained therein from the town of Oyster Bay, pursuant to rules established by the state board of charities. The board of managers of said corporation shall report annually, in writing, to the town board of Oyster Bay the number of patients received and cared for, with their names, age, sex, nature of disease or wounds and date of entrance and departure from the hospital.

§ 2. The amount voted at such town meeting shall be assessed, levied and collected in the same manner as other expenses of said town, and shall be paid to the supervisor of the town of Oyster Bay, who shall pay such sum to the managers of the Nassau Hospital association at such times and in such manner as may be necessary to comply with the provisions of section one of this act.

NEW ROCHELLE HOSPITAL ASSOCIATION, NEW ROCHELLE.

AN ACT to amend the charter of the city of New Rochelle in relation to the New Rochelle hospital.

Chapter 501, Laws of 1903.

Section 1. Section fifty-two of article four of chapter one hundred and twenty-eight of the laws of eighteen hundred and ninety-nine, entitled "An act to incorporate the city of New Rochelle," is hereby amended by adding thereto a new subdivision to be known as subdivision thirteen, to read as follows:

13. The sum of twenty-five hundred dollars annually to be paid to the New Rochelle Hospital association towards the maintenance of the New Rochelle Hospital and for the general uses and purposes of said New Rochelle Hospital association, to be designated the hospital fund.

§ 2. All acts and parts of acts, general and special, inconsistent herewith, are hereby repealed.

NIAGARA FALLS MEMORIAL HOSPITAL, NIAGARA FALLS.

AN ACT to revise and consolidate the several acts relative to the city of Niagara Falls.

Chapter 300, Laws of 1904.

* * * * *

ARTICLE IV.

* * * * *

§ 142. The common council is hereby authorized to appropriate, subject to the approval of the board of estimate and apportionment, and the city may pay annually to the Niagara Falls memorial hospital, for the care, support and maintenance of such of the inmates of said hospital as are actual residents of the city of Niagara Falls, and are received and cared for, supported and maintained therein pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed ten per centum of the moneys received by the said city under the provisions of the liquor tax law.

NYACK HOSPITAL, NYACK—GOOD SAMARITAN HOSPITAL, SUFFERN.

AN ACT authorizing appropriations by the board of supervisors of Rockland county for the support and maintenance of inmates of the Nyack hospital.

Chapter 37, Laws of 1901.

Section 1. The board of supervisors of the county of Rockland is hereby authorized to appropriate to the Nyack hospital and

to the Good Samaritan Hospital of Suffern, corporations located in said county for the care, support and maintenance of such inmates of the hospitals of such corporations as may be received and retained therein pursuant to the rules established by the state board of charities, such sums annually as such board of supervisors shall deem proper, and payment may be made therefore subject to such rules. The amount thus appropriated in any one year shall not exceed one thousand dollars to each of the said corporations. The board of managers of each of such corporations shall report annually in writing to the board of supervisors of said county, the number of patients so received and cared for, with their names, age, sex, nature of disease or wounds and date of entrance and departure from the hospital. (*As amended by chapter 351 of the Laws of 1903.*)

ONEIDA PUBLIC HOSPITAL, ONEIDA.

AN ACT to incorporate the city of Oneida.

Chapter 225, Laws of 1901.

§ 53. Amount of annual city tax levy.—The common council may raise by tax upon the real and personal property assessable in the city in each year certain amounts which shall be estimated and designated each year for the following purposes:

* * * * *

11. A sum necessary for the maintenance of the city hospital, to be designated the "hospital fund."

* * * * *

OSSINING HOSPITAL, OSSINING.

AN ACT authorizing the town board of the town of Ossining to appropriate certain moneys to the Ossining hospital association of Ossining.

Chapter 345, Laws of 1904.

Section 1. The town board of the town of Ossining is hereby authorized to appropriate and pay annually from the moneys received by the said town of Ossining under the provisions of the liquor tax law, to the Ossining hospital association of Ossining,

New York, for the care, support and maintenance of such of the inmates of the hospital in the town of Ossining, owned and conducted by said association, as may be received therein pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars; and such appropriation shall be made only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the said town of Ossining, requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town shall make payment of such moneys to said hospital association when authorized and directed so to do by the said town board, and such annual payment may commence at the time when this act goes into effect or at any time thereafter, and may be made at such time or times and in such installments, or otherwise, as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

SAINT PETER'S HOSPITAL OF THE CITY OF ALBANY.

AN ACT to revise the charter of the city of Hornellsville and to change the name thereof.

Chapter 288, Laws of 1906.

§ 70. * * * * And the common council shall determine the amount, if any, to be raised by tax as aforesaid for the Saint James Mercy hospital * * * *.

ST. JOHN'S RIVERSIDE HOSPITAL, YONKERS; ST. JOSEPH'S HOSPITAL, YONKERS; YONKERS HOMEOPATHIC HOSPITAL, YONKERS.

AN ACT to revise the charter of the city of Yonkers.

Chapter 635, Laws of 1895.

TITLE X.

§ 2. The common council may by ordinance prescribe the duties of such commissioner of charities in relation to the temporary

aid and assistance to the poor and may appropriate such moneys for such purpose as it shall deem proper and may also appropriate a sum, not exceeding five thousand dollars per annum, for the care of sick and disabled poor in hospitals. (*As amended by chapter 207 of the Laws of 1903.*)

**ST. LUKE'S HOME AND HOSPITAL OF NEWBURGH AND
NEW WINDSOR, NEWBURGH.**

AN ACT authorizing the commissioners of the almshouse of the city and town of Newburgh, in the county of Orange, to pay Saint Luke's home and hospital of Newburgh, New York, the sum of one thousand dollars per annum, for the care and maintenance of indigent persons.

Chapter 272, Laws of 1897.

Section 1. The commissioners of the almshouse of the city and town of Newburgh, in the county of Orange, are hereby authorized, on or before the first day of June, eighteen hundred and ninety-seven, to settle with and pay to the board of managers of Saint Luke's home and hospital of Newburgh, New York, out of the excise moneys received by said commissioners from the city and town of Newburgh, not exceeding two thousand dollars, for the care and maintenance of such persons as were received and retained in such hospital prior to that date, according to rules established by the state board of charities.

§ 2. The commissioners of the almshouse of the city and town of Newburgh, are hereby authorized and empowered to pay to Saint Luke's home and hospital, a corporation located in the city of Newburgh, in the county of Orange, for the care, support and maintenance of such inmates of said hospital as may be received and retained therein by order or permit of such almshouse commissioners, pursuant to rules established by the state board of charities, annually out of the excise moneys received by such commissioners, the sum of one dollar per day for each such inmates, but the total amount paid said hospital by said commissioners in any one year, shall not exceed the sum of two

thousand dollars, and said hospital shall not, in any one year, be required to admit patients sent thereto by said commissioners after it has cared for persons received therein at their request, to the extent of two thousand days in such year. The board of managers of said hospital shall report annually, in writing, to the commissioners of the almshouse of the city and town of Newburgh, the number of patients received, pursuant to the provisions of this act and the rules of the state board of charities, their names, age, sex, the nature of their disease or wounds, the length of time cared for, with the date of entrance and departure. *(As amended by chapter 65 of the Laws of 1902.)*

SAINT PETER'S HOSPITAL OF THE CITY OF ALBANY.

AN ACT making an appropriation for certain expenses of government and supplying deficiencies in former appropriations.

Chapter 686, Laws of 1906.

Section 1. The treasurer shall pay on the warrant of the comptroller * * * * * for the maintenance and medical care by the * * * Saint Peter's hospital * * * of such officers, members and employees of the several branches, departments, and bureaus of the state government located in Albany, as may be injured or become sick, while in the performance of their duties, two thousand dollars (\$2,000), said persons to be admitted upon the certificate of the trustees of public buildings through the superintendent of public buildings, after a proper certificate of disability signed by a member of the attending staff of the * * * Saint Peter's hospital, * * * who shall be designated by him, shall have been filed with said superintendent.

SARATOGA HOSPITAL, SARATOGA SPRINGS.

AN ACT to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, being the charter of the village of Saratoga Springs; and to enable the trustees of said village to raise moneys for certain purposes.

Chapter 115, Laws of 1896.

Section 1. The board of trustees of the village of Saratoga Springs is hereby authorized to appropriate to the Saratoga Emergency hospital, for the care, support and maintenance of such inmates of said hospital as may be received and retained therein pursuant to rules established by the state board of charities, such sums annually as the said board of trustees shall deem proper, and payments may be made therefor subject to such rules. The amount so appropriated in any one year shall not exceed the sum of two thousand dollars; and such appropriation shall be made only so long as the said hospital shall treat, free of charge, such indigent persons, actual residents of the village of Saratoga Springs, requiring treatment, as come within the classes treated by said hospital, and only so long as said hospital shall maintain a free medicine dispensary for the benefit of indigent persons, actual residents of said village.

AN ACT to amend chapter two hundred and twenty of the laws of eighteen hundred and sixty-six, being the charter of the village of Saratoga Springs, and to enable the trustees of said village to raise moneys for certain purposes.

Chapter 346, Laws of 1898.

Section 1. The board of trustees of the village of Saratoga Springs is hereby authorized to appropriate to the Saratoga hospital, for the care, support and maintenance of such inmates of said hospital as may be received and retained therein pursuant to rules established by the state board of charities, in addition to the amounts now authorized by law, the further sum of fifteen hundred dollars. Such appropriation shall be made only in case said hospital shall establish a general operating room for surgical cases, where any regular physician or surgeon of the village

of Saratoga Springs may take his private patients and operate upon them under the same rules and regulations as the regular surgical staff of said hospital.

THRALL HOSPITAL, MIDDLETOWN.

AN ACT to revise and amend an act to incorporate the city of Middletown and the acts amendatory thereof.

Chapter 572, Laws of 1902.

§ 207. If at any time, after paying for the support of the city's poor and the city's share of the Orange county poor fund, there shall still be a balance in the excise fund, said balance may, by vote of the common council, be applied to the redemption of any tax certificates issued for schoolhouse purposes that may be outstanding and if there be no such certificates, then it shall be used to pay whatever annual appropriation is made for the maintenance of Thrall hospital and it may be used for such other public purposes as the common council may direct.

WHITE PLAINS HOSPITAL ASSOCIATION, WHITE PLAINS.

AN ACT authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains hospital association of White Plains.

Chapter 115, Laws of 1905.

Section 1. The town board of the town of White Plains is hereby authorized to appropriate and pay annually from the moneys received by the said town of White Plains under the provisions of the liquor tax law, to the White Plains Hospital association of White Plains, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of White Plains, owned and conducted by said association, as may be received therein, pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars, and such appropriation shall be made only so long as the said hospital shall treat, free of

other charge, such indigent persons, actual residents of the town of White Plains, requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town shall make payment of such moneys to said hospital association when authorized and directed so to do by the said town board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments, or otherwise, as the said town board may direct, provided the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

WOMAN'S HOSPITAL ASSOCIATION, BATAVIA.

AN ACT authorizing the town board of the town of Batavia to appropriate certain moneys to the woman's hospital association of Batavia.

Chapter 151, Laws of 1904.

Section 1. The town board of the town of Batavia is hereby authorized to appropriate and pay annually from the moneys received by the said town of Batavia under the provisions of the liquor tax law, to the woman's hospital association of Batavia, New York, for the care, support and maintenance of such of the inmates of the hospital in the town of Batavia, owned and conducted by said association, as may be received therein pursuant to the rules established by the state board of charities, a sum which in any one year shall not exceed fifteen hundred dollars; and such appropriation shall be made only so long as the said hospital shall treat, free of other charge, such indigent persons, actual residents of the said town of Batavia, requiring treatment, as come within the classes treated by said hospital. The supervisor of the said town shall make payment of such moneys to said hospital association when authorized and directed so to do by the said town board, and such annual payment may commence at the time when this act goes into effect, or at any time thereafter, and may be made at such time or times and in such installments, or otherwise, as the said town board may direct, provided

the same shall not in any one year exceed the aforesaid sum of fifteen hundred dollars.

CHARTER OF NEW YORK CITY.

AN ACT to unite into one municipality under the name of The City of New York, the various communities lying in and about New York Harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond, and part of the county of Queens, and to provide for the government thereof.

Chapter 378, Laws of 1897, as amended by Chapter 466, Laws of 1901.

Items to be included in annual estimate.

§ 230. The board of estimate and apportionment shall, in addition to such other amounts as it may in its discretion provide for public purposes in The City of New York and the several counties wholly contained within its territorial limits, annually include in its final estimate the following sums, which shall annually be raised and appropriated:

* * * * *

3. To the New York Society for the Relief of the Ruptured and Crippled, the sum of one hundred and fifty dollars for the support of every crippled child received and retained in their hospital for one year, and a proportionate sum for a shorter period.

4. To the New York Infirmary for Women and Children twenty-five dollars for each homeless or needy mother who received care and attendance in lying-in wards of the New York Infirmary for Women and Children, for such care and obstetric attendance, and the further sum of eighteen dollars per month, and proportionately for any fraction of a month, for each mother thus domiciled and attended at the birth of her child, and for each homeless and needy mother with a nursing infant who resides at said infirmary at the request of or by permission of its officers, and wet nurses her own infant, provided such residence shall exceed the period of two months, but the

said monthly allowance of eighteen dollars shall not be paid for a longer period than one year for any mother so remaining continuously. And to the New York Medical College and Hospital for Women, twenty-five dollars for each needy mother who has received care and obstetric attendance at her home or in the lying-in wards of the said hospital, for such care and obstetric attendance, and the further sum of eighteen dollars per month and proportionately for each fraction of a month for each mother attended at the birth of her child and domiciled at such hospital, but not for a longer period than one year, and also for each homeless or needy mother with a nursing infant who resides at said hospital at the request of or by permission of its officers and wet nurses her own infant, provided such residence shall exceed the period of two months. But such sums to the New York Medical College and Hospital for Women shall not exceed eight thousand dollars in the aggregate in any one year.

* * * * *

7. * * * To St. John's Guild of the city of New York, the sum of thirty thousand dollars, to be applied to the maintenance and operation of its hospitals, to the support of its other charitable work and to the general uses and purposes of said society. * * *

8. To the Foundling Asylum of the Sisters of Charity and to the Babies' Hospital of the city of New York, respectively, at the rate of thirty-eight cents per day for each and every foundling or infant received and maintained by them. And also for each and every homeless and needy mother with a nursing infant, who shall reside at the asylum, or at said hospital, by request of its officers, and nurses her own infant, the sum of eighteen dollars per month. To the babies' wards of the Post-Graduate Hospital in the city of New York, at the rate of thirty-eight cents per day for each and every infant received and cared for therein.

9. To the Nursery and Child's Hospital, the sum of five dollars per week for every destitute woman admitted into its lying-in wards, according to the time of the said woman's continuing under the care of the said institution, and the further sum of ten dollars per month for each and every child born in the institution or supported and maintained by said institution, when-

ever it may be necessary or expedient to place said child in the country, or for want of room in the institution to find accommodation for it elsewhere; and also the sum of ten dollars per month for all children received and retained in the Nursery and Child's Hospital, in the city of New York, and in like proportion for any fraction of a year for each and every destitute child which may be supported and maintained in said institution. To the New York Polyclinic Medical School and Hospital, for board, nursing and medical or surgical aid and attendance, one dollar per day for each needy and charity patient who occupies a bed in said hospital and who receives such care, support and maintenance; such payments not to exceed in the aggregate thirty thousand dollars per annum. To the New York Homeopathic College and Hospital, for board, nursing and medical or surgical aid and attendance, one dollar per day for each needy and charity patient who occupies a bed in the Flower Surgical Hospital, belonging to said New York Homeopathic College and Hospital, and who receives such care, support and maintenance; such payment not to exceed in the aggregate twelve thousand dollars per annum.

10. To the New York Infant Asylum, a sum of money at the rate of thirty-eight cents per day, in monthly payments, for each and every child received and maintained by said asylum; a further sum of twenty-five dollars for each homeless or needy mother who receives care and attendance in the lying-in wards of the asylum; the further sum of eighteen dollars per month, and proportionately for any fraction of a month, for each homeless or needy mother who is domiciled in the asylum and attended at the birth of her child, and resides at the asylum by the request of its officers, and wet nurses her own infant; and for each other homeless or needy mother with a nursing infant who resides at the asylum by the request of its officers and wet nurses her own infant; provided, however, that in each case such residence must exceed the period of two months, and that said monthly allowance shall not be paid for a longer period than for one year for any mother so remaining.

* * * * *

20. * * * And to the Sloan Maternity Hospital in the city of New York, the sum of five dollars per week for every destitute woman admitted into its lying-in ward, according to the time of the said woman continuing under the care of the said institution, and the further sum of ten dollars per month for each and every child born in the institution or supported and maintained by said institution, but such sums shall not exceed eight thousand dollars in any one year. And to the New York Female Asylum for lying-in women, twenty-five dollars for each homeless and needy mother who has received care and attention in the lying-in ward of the asylum, for such care and obstetric attendance, but such sums shall not exceed eight thousand dollars in any one year.

21. To the Mothers' and Babies' Hospital, fifteen dollars for each homeless and needy mother who has received care and attention in the lying-in ward of the hospital, for such care and obstetric attendance, not to exceed three hundred patients in any one year.

22. Such other sum or sums as are, or may be by law directed or authorized to be raised and paid for charitable purposes or to private or incorporated societies, associations, asylums, hospitals, corporations, institutions, protectories, homes or schools.

23. The board of estimate and apportionment are hereby authorized in their discretion to include in their annual statements and estimates the following specified sums of money for the respective purposes herein stated, namely: Four thousand dollars to be paid to the Brooklyn Hospital (formerly City Hospital); four thousand dollars to be paid to the Long Island College Hospital; four thousand dollars to be paid to the Brooklyn Homeopathic Hospital; fifteen hundred dollars to be paid to the Brooklyn Central Dispensary; fifteen hundred dollars to be paid to the Brooklyn City Dispensary; fifteen hundred dollars to be paid to the Brooklyn Eclectic Dispensary; fifteen hundred dollars to be paid to the Brooklyn Homeopathic Dispensary; five thousand dollars to be paid to the Brooklyn Eastern District Dispensary and Hospital (formerly the Williamsburgh Dispensary); fifteen hundred dollars to be paid to the Long Island College Dispensary; fifteen hundred dollars to be paid to the Gates Avenue Homeopathic Dispensary; four thousand dollars to be

paid to the Brooklyn Nursery and Infants' Hospital; fifteen hundred dollars to be paid to the Brooklyn Eastern District Homeopathic Dispensary (formerly the Williamsburgh Homeopathic Dispensary); twenty-five hundred dollars to be paid to the Brooklyn Maternity (formerly Brooklyn Lying-in Asylum); twenty-five hundred dollars to be paid to the Eye and Ear Hospital of the city of Brooklyn; one thousand dollars to be paid to the Southern Dispensary and Hospital; fifteen hundred dollars to be paid to the Orthopedic Dispensary; four thousand dollars to be paid to the Saint Peter's Hospital; fifteen hundred dollars to be paid to the Saint Peter's Dispensary; two thousand dollars to be paid to the Atlantic Avenue Dispensary; one thousand dollars to be paid to the Saint Mary's Dispensary; two thousand dollars to be paid to the Brooklyn Diet Dispensary; fifteen hundred dollars to be paid to the Saint Catherine's Dispensary; four thousand dollars to be paid to the Saint Catherine's Hospital; * * * four thousand dollars to be paid to the Brooklyn Home for Consumptives; four thousand dollars to be paid to the Memorial Hospital for Women and Children; four thousand dollars to be paid to the Saint Mary's General Hospital of the city of Brooklyn; fifteen hundred dollars to be paid to the Central Homeopathic Dispensary; fifteen hundred dollars to be paid to the Memorial Dispensary; fifteen hundred dollars to be paid to the Bushwick and East Brooklyn Dispensary; fifteen hundred dollars to be paid to the Dispensary of the College of Physicians and Surgeons of Saint Mary's Hospital of the city of Brooklyn; four thousand dollars to be paid to the Methodist Episcopal Hospital of the city of Brooklyn; two thousand dollars to be paid to the Saint Mary's Female Hospital; fifteen hundred dollars to be paid to the Lutheran Hospital Association of the city of New York and vicinity; four thousand dollars to be paid to the Brooklyn Throat Hospital; two thousand dollars to be paid to the Bedford Dispensary and Hospital; four thousand dollars to be paid to the Saint Martha's Sanitarium and Dispensary; three thousand dollars to be paid to the Central Throat Hospital and Polyclinic Dispensary; three thousand dollars to be paid to the Long Island Throat Hospital and Eye Infirmary (formerly the Long Island Throat and Lung Hospital and People's Dispensary

Association); four thousand dollars to be paid to the Norwegian Lutheran Deaconesses' Home and Hospital; * * * three thousand dollars to be paid to the Saint Mary's Maternity and Infants' Home; two thousand dollars to be paid to the Memorial Training School for Nurses; four thousand dollars to be paid to the Church Charity Foundation of Long Island for its hospital; twenty-five hundred dollars to be paid to the Home of St. Giles the Cripple; three thousand dollars to be paid to the Bushwick Hospital; * * * fifteen hundred dollars to be paid to the dispensary of the Methodist Episcopal Hospital; twenty-five hundred dollars to be paid to the Low Maternity; fifteen hundred dollars to be paid to the Brooklyn Hospital Dispensary; * * * two thousand dollars to be paid to the Stone Maternity of Brooklyn; * * * twenty-five hundred dollars to be paid to the Maternity of the Long Island College Hospital; fifteen hundred dollars to be paid to the Twenty-sixth Ward Homeopathic Dispensary; such several sums of money to be paid to the several institutions in consideration of their contracting to render and rendering medical and surgical aid and treatment to the poor of the county of Kings who may apply to them therefor; such contract to be in writing, executed on behalf of the city by the mayor and comptroller and also by the executive officers of said associations respectively, and to be approved by the counsel to the corporation of the city, to be filed annually on or before the thirty-first day of May, in the office of the city clerk.

24. * * * The board of estimate and apportionment may in any year, and from time to time, increase or diminish, the sum authorized to be paid to any institution, association, corporation or society included in the tenth paragraph of this section. The final estimate shall specify each institution by its corporate name and the sum to be paid thereto, with a reference to the laws authorizing the appropriation, and the comptroller is authorized to pay the sum to such institution upon its appearing to his satisfaction in such manner as he shall prescribe that the expenditure thereof by the institution is lawful and proper. No appropriation shall be made under this section to any corporation unless the mayor of the city, or the president of the borough in which the chief office of such corporation is situated, be notified

of all meetings of its board of management, and be empowered to attend the same or designate in writing some person to do so in his behalf; but this shall not be construed as impairing any existing powers of visitation vested in the supreme court or the state board of charities, or any provisions of law requiring statements by such corporation as to their affairs.

THE POOR LAW.

AN ACT in relation to the poor, constituting chapter 27 of the general laws.

Chapter 225, Laws of 1896, as amended by Chapters 48, 222 and 507, Laws of 1897; 337 and 536, Laws of 1898; 83 and 462, Laws of 1899; 24, 345 and 475, Laws of 1900; 103 and 664, Laws of 1901; 117, Laws of 1902; 96 and 340, Laws of 1903, and 273, Laws of 1905.

- Article
- I. County superintendents of the poor. (§§ 1-14.)
 - II. Overseers of the poor. (§§ 20-30.)
 - III. Settlement and place of relief of poor persons (§§ 40-57.)
 - IV. Support of bastards. (§§ 60-75.)
 - V. Soldiers, sailors and marines. (§§ 80-84.)
 - VI. State poor. (§§ 90-104.)
 - VII. Duties of state board of charities; powers of state charities aid association. (§§ 115-121.)
 - VIII. Miscellaneous provisions. (§§ 130-143.)
 - IX. Laws repealed; when to take effect. (§§ 150-151.)

ARTICLE I.

COUNTY SUPERINTENDENTS OF THE POOR.

- Section
- 1. Short title.
 - 2. Definitions.
 - 3. County superintendents of the poor.
 - 4. Appointment of superintendent as keeper of almshouse.

- Section 5. When they may direct overseers of the poor to take charge of county poor.
6. Idiots and lunatics.
 7. Pestilence in almshouse.
 8. Accounts of county treasurer with towns.
 9. Annual apportionment of town expenses.
 10. Tax levy on towns.
 11. Expense of county poor.
 12. Superintendents' report to the state board of charities.
 13. Supervisors may direct as to temporary or outdoor relief to poor.
 14. Penalty for neglect or false report.

Section 1. Short title.—This chapter shall be known as the poor law.

§ 2. Definitions.—A poor person is one unable to maintain himself, and such person shall be maintained by the town, city, county or state, according to the provisions of this chapter. In counties having but one superintendent of the poor, the term "superintendent" or "superintendents of the poor," when used in this chapter, means such superintendent; and in towns or cities having but one overseer of the poor, the term "overseers" or "overseers of the poor," when used in this chapter, means a town or city overseer of the poor. An "almshouse" is a place where the poor are maintained at the public expense.

The popular meaning of the word "almshouse" is, of course, well understood, but the revisers and the legislature have not confined us to the popular meaning. They have given to the word a much wider and more comprehensive definition than it has in popular usage. That may properly be termed the statutory definition which is found in the second section of the Poor Law. It is there defined as a "place where the poor are maintained at the public expense." It is not necessary that it should be a public building or that there should be but one place. *Court of Appeals, May, 1899, The People ex rel. John B. French as Overseer of the Poor of the City of Ithaca, Respondent, v. James S. Lyke, as Superintendent of the Poor of the County of Tompkins, Appellant*, 159 N. Y. 149.

The town poor are such persons as are required by law to be relieved or supported at the expense of the town or city; the county poor are such persons as are required by law to be relieved or supported at the expense of the county; and the state

poor are such persons as are required by law to be relieved or supported at the expense of the state.

§ 3. County superintendents of the poor.—The county superintendents of the poor shall:

1. Have the general superintendence and care of poor persons who may be in their respective counties.

2. Provide and keep in repair suitable almshouses when directed by the board of supervisors of their county.

3. Establish rules and by-laws for the government and good order of such almshouses, and for the employment, relief, management and government of the poor therein; but such rules and regulations shall not be valid until approved by the county judge of the county, in writing.

4. Unless a keeper be appointed by the board of supervisors, as provided by section four of this article, employ suitable persons to be keepers of such houses, and physicians, matrons and all other necessary officers and servants, and vest such power in them for the government of such houses, and the poor therein, as shall be necessary, reserving to such poor persons who may be placed under the care of such keepers, matrons, officers or servants, the right of appeal to the superintendents. (*As amended by chapter 340 of the Laws of 1903.*)

5. Purchase all necessary furniture, implements, food and materials for the maintenance of the poor in such houses, and for their employment in labor, and use, sell and dispose of the proceeds of such labor as they shall deem expedient.

6. Prescribe the rate of allowance to be made for bringing poor persons to the county almshouse, subject to such alterations as the board of supervisors may by general resolution make.

7. Authorize the keepers of such houses to certify the amount due for bringing such poor persons; which amount shall be paid by the county treasurer on the production of such certificate, countersigned and allowed by the county superintendents of the poor.

8. Summarily decide any dispute that shall arise concerning the settlement of any poor person, upon a hearing of the parties, and for that purpose may issue subpoenas to compel the attendance of witnesses, with the like powers to enforce such process,

as is given to a justice of the peace in an action pending before him; their decision shall be filed in the office of the county clerk within thirty days after they are made, and shall be conclusive and final upon all parties interested, unless an appeal therefrom shall be taken, as provided in this chapter.

9. Direct the commencement of suits by any overseer of the poor who shall be entitled to prosecute for any penalties, or upon any recognizance, bonds, or securities taken for the indemnity of any town or of the county; and in case of the neglect of any such overseer, to commence and conduct such suits, without the authority of such overseer, in the name of such superintendents.

10. Draw on the county treasurer for all necessary expenses incurred in the discharge of their duties, which draft shall be paid by such treasurer out of the moneys placed in his hands for the support of the poor.

11. Audit and settle all accounts of overseers of the poor, justices of the peace, and all other persons, for services relating to the support, relief or transportation of the county poor; and draw on the county treasurer for the amount of the accounts which they shall so audit and settle.

12. Furnish necessary relief to such of the county poor as may require only temporary assistance, or are so disabled that they cannot be safely removed to the county almshouse, or to the county poor who can be properly provided for elsewhere than at the county almshouse at an expense not exceeding that of their support at such almshouse.

13. Render to the board of supervisors of their county, at their annual meeting, a verified account of all moneys received and expended by them, or under their direction, and of all their proceedings in such manner and form as may be required by the board.

14. Pay over all moneys remaining in their hands, within fifteen days after the expiration of their terms of office, to the county treasurer, or their successors.

15. Administer oaths and take affidavits in all matters pertaining to their office, and elicit, by examination under oath, statements of facts from applicants for relief.

Expenditures by the superintendent of the poor in the administration of his department are subject to the following limita-

tions: The board of supervisors, at its annual meeting, may fix the maximum sum which may be expended by the superintendent, at his discretion, during the next ensuing year, and may provide that expenditures in excess of that sum shall be made only with the written approval of the chairman of the board of supervisors, or of a committee of the board, composed of not exceeding three members. If such limitation is fixed and such provision made, the county treasurer shall not pay any draft or order of the superintendent in excess of the sum so fixed by the board, unless it is accompanied with the written approval of such chairman or committee. (*As amended by chapter 507 of the Laws of 1897.*)

The board of supervisors of a county has no power to direct the county treasurer not to pay, out of the poor funds, any draft drawn by the superintendents of the poor to their own order, or to the order of either of them, nor to direct him not to pay any draft unless the object for which the money is to be paid be specified therein. *Supreme Court, December, 1878, People ex rel. Severn v. Demarest*, 16 Hun. 123.

As to whether the statute (chap. 26, Laws of 1832) authorizing superintendents of the poor to "audit and settle all accounts * * * for services relating to the support, relief or transportation of county paupers" confers upon those officers power to audit claims under contracts made with them, *quaere*.

The claim of an attorney for services rendered by him on the employment of superintendents of the poor in bastardy proceedings is not one "relating to the support, relief or transportation" of paupers within the meaning of that statute, and no power is conferred upon the superintendents to audit such a claim.

Said officers have power to employ an attorney to conduct such proceedings; they are responsible to the attorney for his services and he may enforce his claim against them by action.

It seems that every expense they incur by such employment is a county charge, subject to the audit of the board of supervisors.

It seems also that where bastardy proceedings are successful and indemnity secured, the attorneys fees with other expenses incurred may be charged upon the putative father (1 R. S. 644, §§ 13, 14). *Court of Appeals, January, 1885, Neary v. Robinson*, 98 N. Y. 81; *Neary v. Robinson (Supreme Court, May, 1882, 27 Hun, 145)*, reversed.

It was more than intimated in *Hayes v. Symonds* (9 Baf. 260), that purchases of material and employment of labor by the superintendents, for which they were authorized to contract, were not the class of accounts to which the statute cited had reference. It would seem to be the more reasonable interpretation that their auditing power does not extend to their own contracts, and so make them sit as judges upon questions relating to their own conduct and their own corporate liability. *Court of Appeals, January, 1885, Neary v. Robinson*, 98 N. Y. 84.

Superintendents of the poor are not bound to audit the accounts of physicians and others for services rendered to county paupers by request of the overseers of the poor of the several towns; and this though the services were rendered in pursuance of orders for temporary relief. It is the duty of the overseers to adjust such accounts and charge them in their bills against the county. The employment of a physician by the superintendents of the poor of a county does not supersede the right of the overseers of the several towns to employ other physicians to attend county paupers entitled to temporary relief. *Supreme Court, February, 1843, ex parte Green & Brown, 4 Hill, 558.*

The provisions of subdivision 11 have no reference to services performed by the servants and laborers who are employed at the county poorhouse. *Supreme Court, July, 1850, Hayes v. Symonds, 9 Barb. 260.*

Superintendents of the poor have capacity to contract a liability for supplies furnished for the county poorhouse; which liability may be enforced by suit. *Id.*

But where it appears that the credit for supplies thus furnished was given to a fund, in the county treasury, raised by virtue of the fiftieth section of the act for the relief of indigent persons, called the poorhouse fund, instead of to the superintendents, and on the supposition that the goods would be paid for by a draft on the treasurer, no action will lie against the superintendents until an application has been made to them for an order on the fund, and they have refused to give it. *Id.*

The office of superintendent of the poor, though invested with corporate powers, is, notwithstanding, a mere agency of the county, and the relation between the county and its superintendent is that of principal and agent. *Court of Appeals, September, 1867, People v. Bennett, 37 N. Y. 117.*

Where a person sells to superintendents of the poor, provisions for the poorhouse, upon an agreement that it is to be a cash sale, or if an order shall be given that it shall answer as cash, whereupon the superintendents give him an order upon the treasurer of the county, for the amount, and upon presentment of such order to the treasurer payment is refused, for want of funds, the vendor is remitted to his original right of action against the superintendents and may recover of them the value of the supplies.

In such a case the county is liable on the contract made by its authorized agents in the business specially committed to them by the statute. *Supreme Court, May, 1851, Paddock v. Symonds, 11 Barb. 117.*

The acts of a majority of the superintendents is binding upon the whole board. *Court of Appeals, February, 1874, Johnson v. Dodd, 56 N. Y. 76.*

The statutes relating to the support of the poor at county poorhouses furnish no authority for a discrimination between county and town poor, in respect to the application of the income of the poorhouse farm. On the contrary the legislature intended the income should be applied to the support of the poor of the county generally, at the poorhouse, without distinction.

The statutory provisions obviously contemplate that the benefits resulting from the poorhouse and farm shall be common to the county and towns, in respect to the support of the poor at the poorhouse, without any regard whatever to the general obligation of each to support its own poor.

The occupancy of the property, the products of the farm consumed thereon and in the poorhouse, the labor of the poor in carrying on the farm and the business of the poorhouse, the avails of sales of products of the farm and the labor of the poor, are all to go, and be applied, to reduce the expenses of the support of the poor generally, at the poorhouse, without any discrimination.

Thus, where the city of Rochester was, by law, in the condition of a town, in respect to the mode of supporting its poor at the county poorhouse, it was held that the income of the poorhouse farm in Monroe county ought to be applied to the support, indiscriminately, of the county, town and city poor, kept at the county poorhouse on said farm. *Supreme Court, September, 1856, City of Rochester v. Supervisors of Monroe*, 22 Barb. 248.

The overseer of the poor cannot incur for the county a liability beyond the sum of \$10, for relief in a single case, without the consent of one of the superintendents of the poor.

But with this restriction, his power of giving temporary relief is independent of the control of the superintendents of the poor. *Cayuga Circuit Court, November, 1851, Gere v. Supervisors of Cayuga*, 7 How. 255.

The superintendents of the poor are not authorized to receive paupers into the county poorhouse to be supported at the expense of the county, unless an order to that effect has been made by the overseer of the poor; or a warrant has been issued for the removal of the pauper to the county poorhouse as a lunatic. *In Chancery, May 19, 1840, Pomeroy v. Wells*, 8 Paige, 405.

The court of sessions has no power in a proceeding under title 8 of part 6 of the Code of Criminal procedure to prescribe the place where the poor person shall be supported, nor any of the conditions of such support, except that the manner of it shall be such as shall be approved by the superintendent of the poor. The provisions of the Revised Statutes requiring the removal to the county house of all persons requiring permanent relief or support do not apply to such a case. *Supreme Court, April 13, 1892, in re Weaver, Supt.*, 45 St. Rep. 95.

An account of moneys expended for the support of a pauper, in a county having a poorhouse, need not be audited by town auditors. *Supreme Court, August, 1828, People v. Supervisors of Washington*, 1 Wend. 75.

An action cannot be maintained against the superintendents of the poor upon an account for services relating to the support of county paupers.

Should the superintendents refuse to audit such an account, the proper remedy is by certiorari. *Supreme Court, May, 1848, Vedder v. Superintendent of Schenectady County*, 5 Den. 564.

Chapter 169 (§ 4) of the Laws of 1877 is not violative of the provision of section 11, article 8 of the Constitution forbidding the giving by a city of its money or property in aid of persons or corporations, save as excepted; it comes within the exception allowing such gifts by a city "in aid or support of its poor as may be authorized by law." *Court of Appeals, January 23, 1893, White v. Inebriates' Home*, 141 N. Y. 123; s. c. 56 St. Rep. 665; s. c. 56 St. Rep. 194, affirmed.

No implied obligation rests upon an overseer of the poor to compensate a person, who has, voluntarily and without request from him, relieved a

pauper. *Queens County Court, August, 1895, Smith v. Williams*, 13 Misc. 761; s. c. 69 St. Rep. 611.

If the person directed by an order of the court of sessions to pay a certain sum of money per week, payable monthly to a superintendent of the poor, to be applied exclusively to the support of her daughter, desires to relieve herself from the effect thereof, she should apply to the court of sessions under the provisions of section 918 of the Code of Civil Procedure, for its modification, but so long as the order remains unchanged, she is by force of the statute liable to pay the sum therein prescribed; such an order is not void because it gives no option to such person either to support her daughter or to pay the amount provided, and if it is irregular or improper the remedy is by appeal, and the question of its irregularity or impropriety cannot be raised in an action brought to collect the amount directed to be paid. *Court of Appeals, January 26, 1897, Aldridge v. Walker*, 73 Hun, 281; s. c. 57 St. Rep. 272.

§ 4. Appointment of superintendent as keeper of almshouse.—The board of supervisors of any county may, by resolution, appoint as keeper of its county almshouse one of the superintendents of the poor of such county, who shall hold such office until the expiration of his term as superintendent or until the board of supervisors, by resolution, shall determine that he shall no longer act in such capacity. The board of supervisors may fix the compensation such superintendent shall receive for acting as such keeper, and such compensation shall be a county charge. While a resolution of the board of supervisors directing such superintendent to act as keeper of the county almshouse is in force, the superintendents shall not employ a keeper thereof.

For work, labor and services rendered to the keeper of a county poor house by an inmate thereof and his wife, for the benefit of such keeper and in his business, and upon his promise to pay therefor, he is liable.

The keeper of a county poorhouse is not entitled, any more than a stranger, to the labor and services of the paupers therein, for his own advantage, without compensation; and any contract or promise he may make to pay for such labor will be obligatory upon him. *Court of Appeals, March, 1864, Bergin v. Wemple*, 30 N. Y. 319.

Laws of 1896, chap. 225, § 4, providing that the county superintendents of the poor, one of whom is elected annually, shall "employ" a keeper of the almshouse unless a keeper be "appointed" by the board of supervisors, does not authorize the superintendents of the poor to employ an almshouse keeper for a term of years.

A keeper of an almshouse "employed" by the superintendents of the poor in the failure of the board of supervisors to "appoint" a keeper (Laws 1896, chap. 225, § 4) is not an officer within Constitution 1895, art. 10, § 3, providing that an office, the duration of which is not fixed by the Con

stitution or by statute shall be held during the pleasure of the body making the appointment. *Supreme Court, June, 1897, Abrams v. Horton*, 18 App. Div. 208; s. c. 45 N. Y. Supp. 887.

§ 5. When they may direct overseers of the poor to take charge of the county poor.—Whenever the county superintendents take charge of the support of any county poor person, in counties where no almshouse is provided, they may authorize the overseers of the poor of the town in which such poor person may be, to continue to support him, on such terms and under such regulations as they shall prescribe; and thereafter no moneys shall be paid to such overseers for the support of such poor person, without the order of the superintendents; or the superintendents may remove such poor person to any other town, and there provide for his support, in such manner as they shall deem expedient.

§ 6. Idiots and lunatics.—The superintendents of the poor shall provide for the support of poor persons that may be idiots or lunatics, at other places than in the almshouse, in such manner as shall be provided by law for the care, support and maintenance of such poor persons.

Where the property of a father consists solely of pension moneys, and property purchased therewith, he cannot be compelled, under sections 915 and 916 of the Criminal Code, to support his pauper insane son. *Court of Sessions, Lewis County, December, 1895, Matter of St. Lawrence State Hospital*, 15 Misc. 159; s. c. 37 N. Y. Supp. 12; affirmed in 13 App. Div. 436. See also s. c. 15 Misc. 165.

§ 7. Pestilence in almshouse.—Whenever any pestilence of infectious or contagious disease shall exist in any county almshouse or in its vicinity, and the physician thereof shall certify that such pestilence or disease is likely to endanger the health of the persons supported thereat, the superintendents of the poor of such county shall cause the persons supported at such almshouse or any of them, to be removed to such other suitable place in the same county as shall be designated by the board of health of the city, town or village, within which such almshouse shall be, there to be maintained and provided for at the expense of the county, with all necessary medical care and attendance, until they can be safely returned to the county almshouse from which they were taken, or otherwise discharged.

§ 8. Accounts of county treasurer with towns.—In counties where there are town poor, the county treasurer thereof shall open and keep an account with each town, in which the town shall be credited with all the moneys received from the same, or from its officers, and shall be charged with the moneys paid for the support of its poor. If there be a county almshouse in such county, the superintendents of the poor shall, in each year, before the annual meeting of the board of supervisors, furnish to the county treasurer a statement of the sums charged by them as herein directed, to the several towns for the support of their poor, which shall be charged to such towns, respectively, by the county treasurer in his account.

The actual expense to towns for the support of their poor in the county almshouse must be determined by what has really been paid for such support by the county. There shall be no discrimination between town and county poor, in respect to the application of products from the poor farm, or the products derived from the labor of the poor. *Supreme Court, September, 1856, City of Rochester v. Supervisors of Monroe Co.*, 22 Barb. 248.

§ 9. Annual apportionment of town expenses.—In counties having an almshouse, and where there are town poor, the superintendents shall annually, and during the week preceding the annual meeting of the board of supervisors, make out a statement of all the expenses incurred by them the preceding year for the support of town poor, and of the moneys received therefor, exhibiting the deficiency, if any, in the funds provided for defraying such expenses, and they shall apportion the deficiency among the several towns in proportion to the number and expenses of the town poor of such towns respectively, who shall have been provided for by the superintendents, and shall charge the towns with such proportion; which statement shall be by them delivered to the county treasurer.

§ 10. Tax levy on towns.—At the annual meeting of the board of supervisors, the county treasurer shall lay before them the account kept by him; and if it shall appear that there is a balance against any town, the board shall add the same to the amount of taxes to be levied and collected upon such town, with the other contingent expenses thereof, together with such sum for interest as will reimburse and satisfy any advances that may be

made, or that may have been made, by the county treasurer for such town, which moneys, when collected, shall be paid to the county treasurer.

§ 11. Expense of county poor.—The superintendents of the poor shall annually present to the board of supervisors, at their annual meeting, an estimate of the sum which, in their opinion, will be necessary during the ensuing year for the support of the county poor; and such board of supervisors shall cause such sum as they may deem necessary for that purpose, to be assessed, levied and collected, in the same manner as other contingent expenses of the county, to be paid to the county treasurer and to be by him kept as a separate fund, distinct from the other funds of the county.

Superintendents of the poor have capacity to contract a liability for supplies for the county almshouse. *Supreme Court, July, 1850, Hayes v. Symonds, 9 Barb. 260.*

§ 12. Superintendents' report to the state board of charities.—The superintendents of the poor of every county shall, on or before the first day of December in each year, make reports covering the year ending September thirtieth, to the state board of charities in such form as the board shall direct, showing the number of the town poor and of the county poor that have been relieved or supported in their county the year preceding October first; the whole expense of such support, the amount paid for transportation of poor persons, and any other items not part of the actual expenses of maintaining the poor, and the allowance made to superintendents, overseers, justices, keepers, matrons, officers and other employes of the superintendents; the actual value of the labor of the poor persons maintained, and the estimated amount saved in the expense of their support in consequence of their labor; the sex and native country of every such poor person, with the causes, either direct or indirect, which have operated to render such persons poor, so far as the same can be ascertained; and shall include in such report a statement of the name and age of, and of the names and residence of the parents of, every poor child who has been placed by them in a family during the year, with the name and residence of the family with whom every such child was placed, and the occupation of

the head of the family, together with such other items of information in respect to their character and condition as the state board of charities shall direct.

§ 13. Supervisors and members of town boards may direct as to temporary or outdoor relief to the poor.—The board of supervisors of any county may make such rules and regulations as it may deem proper in regard to the manner of furnishing temporary or outdoor relief to the poor in the several towns in said county, and provided the board of supervisors shall have failed to make any such rules and regulations the town board of any town may make such rules and regulations as it may deem proper in regard to furnishing temporary or outdoor relief to the poor in their respective towns, by the overseer or overseers of the poor thereof, and also in regard to the amount such overseer or overseers of the poor may expend for the relief of each person or family, and after the board of supervisors of any county, or the town board of any town, shall have made such rules and regulations, it shall not be necessary for the overseers of the poor of the towns in said county, where such rules and regulations were made by the board of supervisors, or if in a town by the said town board, to procure an order from the supervisor of the town, or the sanction of the superintendent of the poor to expend money for the relief of any person or family, unless the board of supervisors of such county or the town board of such town shall so direct; but this section shall not apply to the counties of New York and Kings. (*As amended by chapter 48 of the Laws of 1897.*)

§ 14. Penalty for neglect or false report.—Any superintendent of the poor or other officer or person having been an officer, who shall neglect or refuse to render any account, statement or report required by this chapter, or shall willfully make any false report, or shall neglect to pay over any moneys within the time required by law, shall forfeit two hundred dollars to the town or county of which he is or was an officer, and shall be liable to an action for all moneys which shall be in his hands after the time the same should have been paid over, with interest thereon at the rate of ten per centum per annum from the time the same

should have been paid over. The state board of charities shall give notice to the district attorney of the county of every neglect to make the report required to be made to that board, and every officer or board to whom any such account, statement, report or payment should have been made, shall give notice to such district attorney of every neglect or failure to make the same; and such district attorney shall, on receiving such notice or in any way receiving satisfactory evidence of such default, prosecute for the recovery of such penalties or moneys in the name of the town or county entitled thereto, and the sum recovered, if for the benefit of the town, shall be paid to the overseer of the poor thereof, and if for the benefit of the county, shall be paid into the county treasury, to be expended by the overseer or superintendent of the poor for the support of the poor of such town or county.

ARTICLE II.

OVERSEERS OF THE POOR.

Section 20. Relief in counties having almshouse.

21. Expense of removal, and temporary relief.
22. How supported, and when discharged.
23. Temporary relief to persons who can not be removed to almshouse.
24. Relief in counties having no almshouse.
25. Overseer to make monthly examinations and audit accounts.
26. Overseers to keep books of account.
27. Annual report of overseers.
28. Accounts of town officers.
29. Overseers of the poor in cities.
30. Certain poor persons to be sent to hospitals.

Section 20. Relief in counties having almshouse.—When any person shall apply for relief to an overseer of the poor, in a county having an almshouse, such overseer shall inquire into the state and circumstances of the applicant; and if it shall appear that he is a poor person, and requires permanent relief and support, and can be safely removed, the overseer shall, by written order, cause such poor person to be removed to the county

almshouse, or to be relieved and provided for, as the necessities of the applicant may require. If the county be one where the respective towns are required to support their own poor, the overseer shall designate in such order of removal, whether such person be chargeable to the county or not; and if no such designation be made, such person shall be deemed to belong to the town whose overseer made such order.

A person receiving aid as a poor sick person from the officers of the poor in a city or county, in the absence of any representations on his part as to his responsibility or physical condition, incurs no liability to repay the amount expended on his behalf.

It seems the question as to the propriety of granting relief asked is confided to the discretion of said authorities, and if they grant it, the presumption is that they made such investigations as they deemed necessary and determined the question as to the right of the party to relief, their determination cannot be reviewed.

Such aid once furnished must thereafter be regarded as a charity extended by the authorities without expectation of reimbursement, and their misjudgment as to the necessities of the person relieved raises no implied promise on his part to repay moneys expended in his behalf.

Money voluntarily paid out by one person for another cannot be recovered back. To maintain an action to recover moneys paid out and expended, it is essential to prove a request to make the payment on the part of the person benefited, either expressed or fairly to be implied from the circumstances.

Every person has a natural right to choose the mode and manner of his life, and so long as he does not violate any positive provision of law, to follow it; and money voluntarily furnished by the charitable and credulous, without deception, to aid him cannot be recovered back.

The possession of some property by a person does not always and necessarily preclude such person from a just claim for charitable relief. *Court of Appeals, November, 1889, City of Albany v. McNamara*, 117 N. Y. 168.

A poor person has no right to choose the place or manner of his support but must take it in the way the law confers it.

There is no implied obligation upon an overseer or superintendent of the poor to compensate a person who has voluntarily relieved a pauper without a request from the overseers of the poor.

One B having met with an accident was received by the plaintiff into his house, and there nursed and cared for. Notice was given to the overseer of the poor, who offered to remove B to the poorhouse and there care for him, but B refused to be removed and remained with the plaintiff. *Held* that these facts were insufficient to create a liability on the part of the overseer to compensate plaintiff for the care and nursing provided by him for B. *Queens County Court, August, 1895, Smith v. Williams*, 13 Misc. 761.

In counties where the poor are a county and not a town charge, money paid for either the permanent, or temporary, support of a pauper is the money of the county and not of the town. Hence the town can have no color of right to recover it back from a person alleged to have obtained it fraudulently.

In counties where there is no county poorhouse, and the towns are severally liable for the support of their own poor, moneys raised for the support of the poor are placed in the hands of the overseers of the poor; and when an overseer pays out money for the support of a pauper or contracts for his support, he is entitled to appropriate the money, in the first case, and retain it in his own hands in the other. He has absolute control of the fund and is liable only for moneys not lawfully appropriated.

If an overseer of the poor, having money for the support of the poor, in his hands, makes a contract with another for the support of a pauper, that is within the amount which he has a right to furnish, he may properly charge it in account, and retain it, in his settlement with the board of town auditors.

If he becomes personally liable, upon such contract, by reason of his not having obtained an order for the support of the pauper, it is not fraudulent for him to protect himself against such personal liability upon his contract, by retaining the amount thereof out of moneys in his hands. *Supreme Court, April, 1867, Robbins v. Woolcott, 66 Barb. 63.*

Where overseers of the poor relieved and supported paupers belonging to another town, at the request of the overseer of the poor of the town in which the paupers belonged, and the latter overseer, after such support had been furnished, on the presentation of the bill therefor, agreed to pay the same, it was held that he was not personally liable on the contract; it appearing from the facts and circumstances that he was acting in his official character, and did not intend to bind himself personally.

Held also, that he was not liable in his official character; the proper remedy for the plaintiffs being that pointed out by statute, viz., to get the claim for the maintenance allowed by the superintendents of the poor, and to lay the same, when thus allowed, before the board of supervisors, in order that they might add the same to the tax list of the town in which the paupers belonged. *Supreme Court, July, 1852, Holmes v. Brown, 13 Barb. 599.*

Where a person has at the request of an overseer, and on his promise to see him paid, boarded a pauper and furnished him with necessaries, he may maintain an action of *assumpsit* against the overseer, although no order had ever been made for relief of the pauper. *Supreme Court, August, 1818, King v. Butler, 15 Johns. 281.*

They are subject to an action for debts contracted by their predecessors, as overseers. *Supreme Court, August, 1823, Todd v. Birdsell, 1 Cow. 260; Supreme Court, February, 1826, Grant v. Fancher, 5 Id. 309.*

Overseers are not liable, in their individual capacities, for the fraud of their predecessors. Overseers cannot be held individually for the fraudulent acts of their predecessors. *In Chancery, 1821, Gregory v. Reeve, 5 Johns. Ch. 232.*

Overseers may make contracts, within the scope of their authority, which are binding upon them in their official capacity, and upon their successors in office; which successors are liable to be sued for a non-performance of such contracts. *Supreme Court, August, 1829, Palmer v. Vandenberg, 3 Wend. 193; Supreme Court, May, 1851, Paddock v. Symonds, 11 Barb. 117.*

A contract for the support of a pauper, for an indefinite period, may be rescinded by the overseers. *Id.*

An overseer of the poor cannot contract with the poor officers of another town, for the maintenance of paupers then temporarily residing in the latter. The account must be audited by the superintendents of the poor, and the amount levied by the supervisors against the town responsible for the support of the paupers. *Court of Appeals, June, 1857, Overseers of Norwich v. Overseers of Pharsalia, 15 N. Y. 341.*

§ 21. Expense of removal, and temporary relief.—Unless such poor person is properly chargeable to the town, the overseer, in addition to the expense of such removal, shall be allowed such sum as may have been necessarily paid out, or contracted to be paid, for the relief or support of such poor person, previous to such removal and as the superintendent shall judge was reasonably expended while it was improper or inconvenient to remove such poor person, which sum shall be paid by the county treasurer, on the order of the superintendent.

§ 22. How supported and when discharged.—The person so removed shall be received by the superintendents, or their agents, and be supported and relieved in a county almshouse until it shall appear to them that such person is able to maintain himself, or, if a minor, until he is bound out or otherwise cared for, as hereinafter provided, when they may, in their discretion, discharge him.

One who is an inmate of the poorhouse at the expense of the county, although not committed as a pauper, is amenable to the rules and regulations of the institution so long as he remains. *Supreme Court, June, 1883, Spence v. Brown, 17 Weekly Dig. 518.*

§ 23. Temporary relief to persons who can not be removed to almshouse.—If it shall appear that the person so applying requires only temporary relief, or is sick, lame or otherwise disabled so that he can not be conveniently removed to the county almshouse, or that he is a person who should be relieved and cared for at his home under article five of this chapter, the overseers shall apply to the supervisor of the town, who shall examine into the facts and circumstances, and shall, in writing, order such sum to be expended for the temporary relief of such poor person, as the circumstances of the case shall require, which order shall entitle the overseer to receive any sum he may have paid out or contracted to pay, within the amount therein specified, from the county treasurer, to be by him charged to the county, if such person be a county charge, if not, to be charged to the town where such relief was afforded; but no greater sum

than ten dollars shall be expended or paid for the relief of any one poor person, or one family, without the sanction, in writing, of one of the superintendents of the poor of the county, which shall be presented to the county treasurer, with the order of the supervisor, except when the board of supervisors has made rules and regulations as prescribed in section thirteen of this chapter.

Where no rules or regulations governing the furnishing of temporary or outdoor relief to the poor of a town have been made by the board of supervisors of the county or by the town board as provided by section 13, *ante*, the overseer of the poor of the town, under this section cannot expend more than ten dollars for the temporary relief of a person who cannot be removed to the almshouse, unless he is authorized to do so by order of the supervisor of the town and the written sanction of one of the superintendents of the poor of the county; the overseer has no power to compel the supervisor to give him such an order or the superintendent to give him such sanction; he performs his entire duties in the premises by applying to the supervisor in behalf of the poor person. *Supreme Court, March, 1901, Braze v. Stewart, 59 App. Div. 476; 89 N. Y. Supp. 231.*

The overseer of the poor cannot incur for the county liability beyond the sum of ten dollars, for relief in a single case, without the consent of one of the superintendents of the poor.

But with this restriction, his power of giving temporary relief is independent of the control of the superintendents of the poor. *Cayuga Circuit Court, November 1851, Gere v. Supervisors of Cayuga Co., 7 How. Pr. 255.*

The question as to the propriety of granting relief asked is confided to the discretion of the poor authorities, and if they grant it, the presumption is that they made such investigations as they deemed necessary, and determined the question as to the right of the party to relief, their determination cannot be reviewed. *Court of Appeals, November, 1889, City of Albany v. McNamara, 117 N. Y. 168.*

An action will not lie against overseers of the poor for omitting to apply to a justice to obtain an order for the relief of a pauper settled in their town, at the suit of one who, after giving them notice, and requiring them to provide for the pauper, supports him at his own expense, voluntarily, and without request from the overseers of the poor. The appropriate remedy is by mandamus in behalf of the pauper. *Supreme Court, August, 1826, Minklaer v. Rockefeller, 6 Cow. 276.*

An order of a justice of the peace (supervisor), authorizing an allowance for the relief of a pauper, is authority sufficient for an overseer to contract for the support of such pauper. A formal adjudication of the settlement of the pauper in such case is not necessary. *Supreme Court, August, 1820, Palmer v. Vandenberg et al., 3 Wend. 193.*

If no fraud be shown and no injury resulted to the taxpayers no action by the taxpayers can be maintained against an overseer of the poor under the taxpayers act of 1881, chapter 531, for expending more than ten dollars for the relief of a pauper or poor family without the written consent of a supervisor. *Supreme Court, April 16, 1891, Cobb v. Ramsdell, 37 St. Rep. 457.*

"In those counties in which there is no poorhouse an overseer (§ 43) is authorized to make an order for the allowance of such sum, weekly or otherwise, as the necessities of the poor person may require. If such pauper (§ 44) has a legal settlement in the town where the application is made, or in any other town of the same county, the overseer is required to apply the money to the relief of such pauper. The money paid by the overseer or contracted to be paid pursuant to such order, shall be drawn by him from the county treasurer on producing the order. If such pauper has not a legal settlement in some town of the county in which the application is made, then notice is to be given to the superintendent of the poor, and the overseer may support the pauper after such notice and until the superintendent assumes his support, and the overseer is to be paid therefor from the county treasury." *Supreme Court, April, 1867, Robbins v. Woolcott, 68 Barb. 67.*

§ 24. Relief in counties having no almshouse.—If application for relief be made in any county where there is no county almshouse, the overseer of the poor of the town where such application is made shall inquire into the facts and circumstances of the case, and with the written approval of the supervisor of such town, make an order in writing for such allowance, weekly or otherwise, as they shall think required by the necessities of such poor person. If such poor person has a legal settlement in such town, or in any other town in the same county, the overseer shall apply the moneys so allowed to the relief and support of such poor person. The money so paid by him, or contracted to be paid, when the poor person had no legal settlement in the town, and charged to the town in which he had a legal settlement, shall be drawn by such overseer from the county treasurer on producing such order. If such person has no legal settlement in such county, the overseer shall, within ten days after granting to him any relief, give notice thereof, and that such person has no legal settlement in such county, to one of the county superintendents, and until the county superintendents shall take charge of the support of such poor person, the overseer shall provide for his relief and support, and the expense thereof from the time of giving such notice shall be paid to such overseer by the county treasurer, on the production of such order and of proof by affidavit of the time of the giving of such notice, and shall be by him charged to the county.

§ 25. Overseer to make monthly examinations and audit accounts.—The overseer of the poor of a town or city shall, at least once each month, examine into the condition and necessi-

ties of each person supported by the town or city out of the county almshouse, and provide within the provisions of this chapter for such allowances, weekly or otherwise, as the circumstances may in his judgment require. All accounts for care, support, supplies or attendance, connected with the maintenance of such poor person or family, shall be settled once in three months, and paid if there be funds for that purpose. No bill, claim or account for care, support, supplies or attendance, furnished to poor persons, by order of the overseer of the poor, or otherwise, shall be audited or allowed by the overseer, unless such bill, claim, or account be verified by the claimant, to the effect that such care, support, supplies or attendance have been actually furnished for such poor persons, that such poor persons have actually received the same, and that the prices charged therefor are reasonable, and not above the usual market rates.

Overseers of the poor may make contracts within the scope of their authority, which are binding upon them in their official capacity, and upon their successors in office; which successors are liable to be sued for a non-performance of the contracts of their predecessors. *Supreme Court, August, 1829, Palmer v. Vandenberg, 3 Wend. 193.*

Where a person has, at the request of an overseer of the poor, and on his promise that he would see him paid, boarded a pauper, and furnished him with necessaries, he may maintain an action of *assumpsit* against the overseer, although no order had ever been made for the relief of the pauper. *Supreme Court, August, 1818, King v. Butler, 15 Johns. 281.*

But in *Supreme Court, May, 1820, in re Olney v. Wickes, 18 Johns. 122*, the court said: "There is no longer any question as to the rule of law, that, where a public agent acts ostensibly in the line of his duty, his contracts are public and not personal. It is also clear that a known public agent, acting within the scope of his authority and contracting for the use of the public, may, by special agreement, superadd his personal responsibility so as to render himself individually liable; but, as was correctly remarked by *Ch. J. Marshall, in Hogsden v. Dexter*, 'Under these circumstances, the intent of the officer to bind himself personally must be very apparent to induce such a construction of the contract.'" See also *King v. Butler, supra*, and *Supreme Court, July, 1852, Holmes v. Brown, 13 Barb. 599*. In the latter case the court said: "The cases where an action has been held to lie against an overseer of the poor for the support of paupers, are placed upon the ground that the credit was given to the person individually, in his private capacity, and not as the officer or agent of the town."

In *Court of Appeals, June, 1857, in re The Overseers of the Poor of Norwich v. Overseer of Pharsalia, 15 N. Y. 341*, the town of Pharsalia being liable for the support of certain paupers, at the time being in the town of Norwich, the defendant as overseer of the poor of Pharsalia promised the plaintiffs,

overseers, etc., of Norwich, that, if they would provide for such paupers, he would pay the expenses incurred. It was held that it was not within the official power of the defendant to make such a contract, and that the plaintiffs are confined to the remedy given by statute, viz., the audit of the account by the superintendents of the poor, and the levying of the amount by the board of supervisors on the town of Pharsalia for the benefit of Norwich.

§ 26. Overseers to keep books of account.—Overseers of the poor, who receive and expend money for the relief and support of the poor in their respective towns and cities, shall keep books to be procured at town or city expense, in which they shall enter the name, age, sex and native country of every poor person who shall be relieved or supported by them, together with a statement of the causes, either direct or indirect, which shall have operated to render such relief necessary, so far as the same can be ascertained. They shall also enter upon such books a statement of the name and age, and of the names and residences of the parents of every child who is placed by them in a family, with the name and address of the family with whom every such child is placed, and the occupation of the head of the family. They shall also enter upon books so procured, a statement of all moneys received by them, when and from whom, and on what account received, and of all moneys paid out by them, when and to whom paid and on what authority, and whether to town, city or county poor; also a statement of all debts contracted by them as such overseers, the names of the persons with whom such debts were contracted, the amount and consideration of each item, the names of the persons for whose benefit the debts were contracted, and if the same have been paid, the time and manner of such payment.

The overseers shall lay such books before the board of town auditors or the common council of the city, at its first annual meeting in each year and, upon being given ten days' notice thereof, at any adjourned or special meeting of such board or council, together with a just, true and verified itemized account, of all moneys received and expended by them for the use of the poor since the last preceding annual meeting of said board, and a verified statement of debts contracted by them as such overseer and remaining unpaid. The board or council shall compare said account with the entries in the book, and shall examine

the vouchers in support thereof, and may examine the overseers of the poor, under oath, with reference to such account. They shall thereupon audit and settle the same, and state the balance due to or from the overseer, as the case may be. Such account shall be filed with the town or city clerk, and at every annual town meeting, the town clerk shall produce such town account for the next preceding year, and read the same, if it be required by the meeting. The overseers of the town shall have such books present each year at the annual town meeting, subject to the inspection of the voters of the town, and the entries thereon for the preceding year shall there be read publicly at the time reports of other town officers are presented, if required by a resolution of such meeting.

No credit shall be allowed to any overseers for moneys paid, unless it shall appear that such payments were made necessarily or pursuant to a legal order. (*As amended by chapter 222 of the Laws of 1897.*)

In an action against the sureties upon the official bond of the overseer of the poor to recover money misappropriated by him, the official verified reports filed by the overseer from time to time as required by the above section are competent against the sureties upon his official bond as proof of the condition of his accounts as to receipts and disbursements. *Supreme Court, May 31, 1901, Town of Goshen v. Smith*, 61 App. Div. 461; 70 N. Y. Supp. 623; affirmed, *Court of Appeals, January 6, 1903*, 173 N. Y. 597.

§ 27. Annual report of overseers.—Such overseer shall make to the town board, at its second annual meeting in each year, a written report, stating their account as provided in the last section, continued to that date, and any deficiency that may then exist in the town poor fund, with their estimate of the sum which they shall deem necessary for the temporary and outdoor relief and support of the poor in their town for the ensuing year, and in counties where there is no county almshouse, their estimate of such sum as they shall deem necessary to be raised and collected therein for the support of the poor for the ensuing year. If such board shall approve the statement and estimate so made or any part thereof, they shall so certify in duplicate, one of which certificates shall be filed in the office of the town clerk, and the other shall be laid by the supervisor of the town, before the board of supervisors of the county, on the first day of its next annual meeting. The board of supervisors shall cause the

amount of such deficiency and estimates, as so certified, together with the sums voted by such town for the relief of the poor therein to be levied and collected in such town, in the same manner as other town charges, to be paid to the overseers of the poor of such town, and the warrants attached to the tax-rolls in such county shall direct accordingly. The moneys so raised shall be received by such overseers, and applied toward the payment of such deficiency, and for the maintenance and support of the poor, for whose relief such estimates were made. The town board shall also, on or before the first day of December, annually certify to the county superintendents, the name, age, sex, and native country, of every poor person relieved and supported by such overseers during the preceding year, with the causes which shall have operated to render them such poor persons, the amount expended for the use of each person, as allowed by the board, and the amount allowed to each overseer for services rendered in relation to temporary or town relief.

The town board shall include in such annual statement to the county superintendents and the county superintendents shall include in their own report to the state board of charities a statement of the name and age, and of the names and residence of the parents of every child who has been placed by such overseers in a family during the preceding year, with the name and address of the family with whom each child is placed, and the occupation of the head of the family.

The supervisors are not obliged to allow any charge for services relative to a pauper, unless a previous order has been obtained, or the services have been performed at the request of the overseers of the poor, and the account presented to them for adjustment. *Supreme Court, October, 1821, Hull v. Supervisors of Oneida, 19 Johns. 259.*

See *Court of Appeals, March, 1885, Osterhoudt v. Rigney, 98 N. Y. 222, under § 29 post.*

§ 28. Account of town officers.—The accounts of any town officer for personal or official services rendered by him, in relation to the town poor, shall be audited and settled by the town board and charged to such town. But no allowance for time or services shall be made to any officer for attending any board solely for the purpose of having his account audited or paid.

§ 29. Overseers of the poor in cities.—This chapter shall apply to overseers of the poor in cities, except where otherwise specially

provided by law. In the absence of such special provision, overseers of the poor in each city shall make their report to the auditing board of such city, by whatever name known, at the beginning of the fiscal year of such city, if such time be fixed, otherwise on the first day of January in each year; the common councils of such cities as shall be liable for the support of their own poor shall yearly determine the sum of money to be appropriated for the ensuing year, and a certified copy of such determination shall be laid before the board of supervisors of the county, who shall cause the same to be assessed, levied, collected and paid to the county treasurer.

Where overseers of the poor in a county which had adopted, pursuant to the act of 1846 (chapter 245, Laws of 1846), the provisions of the act of 1845 (chapter 334, Laws of 1845), for the relief of the poor, instead of pursuing the system provided by the act, procured supplies upon their own credit, and presented their accounts annually to the board of audit for allowance, the amount audited being put into the schedule of accounts and levied by the board of supervisors with other town charges. *Held*, that the failure to fill the requirements of the act did not deprive the overseers of any power to provide for the relief of the poor, and the advances so made were properly audited and charged against the town; that while the overseers were not bound to furnish supplies upon their own credit, and the act contemplates that they shall be put in funds in advance, under the provision therein (§ 7), authorizing the town board of audit to include in the estimate such sum as shall be necessary "to supply any deficiency in the preceding year," it had power to audit all sums fairly expended where no provision had been made therefor the preceding year. *Court of Appeals, March, 1885, Osterhoudt v. Rigney et al*, 98 N. Y. 222.

The omission of an overseer of the poor to bring the overseer's book before the town board and an audit of his account without a comparison of the items in the account with those in the book, are irregularities merely and do not render the audit invalid. *Id*.

Where audited claims of an overseer of the poor were included in the general schedule of town accounts, and in the warrant of the supervisors the amount was directed to be paid to the supervisor of the town, with direction to him to pay to the overseer—*Held*, that this was equivalent to a direction to pay to the overseer and so was a substantial compliance with the act. *Id*.

Also *held*, that orders drawn at the request of the overseer by the board of audit upon the supervisors and accepted by them, created no liability against the town or any of its officers; that at most they operated only as assignments *pro tanto* of any moneys he was entitled to receive upon the audit. *Id*.

Where in a claim presented to the board of audit by an overseer of the poor there was included a portion of a claim presented and rejected the previous year, and the audit was for less than the whole amount, but for

more than the amount of the claim, deducting the amount so improperly included—*Held*, that a judgment vacating the whole audit was proper, as it could not be ascertained what amount of the illegal claim was allowed, or whether the deduction was made therefrom, or from the items which the board had jurisdiction to audit. *Id.*

Also *held*, that assignees of the overseer stood in the same position with and were bound by the result reached in respect to him. *Id.*

This action was brought by the plaintiff, a corporation organized under the laws of this state, for the care, education and support of poor orphan children, to recover the amount due it for supporting certain children between the age of two and sixteen years, residents of Long Island City, and whom it had received, cared for and supported, on the authority of written orders given by the overseer of the poor of the defendant city.

Held, that the plaintiff was entitled to recover, as it had acted under the direction of an officer who had full power to give such direction, and who was compelled by law to furnish the support for such children outside of the poorhouse, and in an incorporated orphan asylum.

That, as the relief of the children was permanent and not temporary, the ten dollar limitation imposed by section 42 of 2 Revised Statutes (7th ed., p. 1861), did not apply to them. *Supreme Court, May, 1888, Nuns of St. Dominick v. Long Island City*, 48 Hun 306.

The overseer of the poor cannot incur a liability beyond the \$10 for relief in a single case without the consent of one of the superintendents of the poor. But with this restriction, his power of giving temporary relief is independent of the control of the superintendents of the poor. *Cayuga Circuit Court, November, 1851, Gere v. Supervisors*, 7 How. 255.

Supreme Court, April, 1867, in re Robbins v. Woolcott, 66 Barb. 71, the court said: "By section fifty-one it is provided that in those counties where there are no county poorhouses the overseers of the towns shall enter in books an account of all matters transacted by them relating to their official duties; of all moneys received by them; of all moneys laid out and disbursed by them."

"By section fifty-two these books must be laid before the board of town auditors, with an account of moneys received and paid out. The board is required to compare such accounts with the entries in the book; examine the vouchers, and audit and settle the same; and state the balance due from such overseers, or to them, as the case may be. No credit shall be allowed to any overseer for moneys paid, unless it shall appear that such payment was made pursuant to a legal order. It seems to have been supposed that the account of the overseer must be audited and allowed before he can be paid. But clearly this cannot be the meaning of the section. The money for the support of the poor, whether it is paid into the county treasury and paid out by the superintendent, or is paid over to the overseer, is raised in advance of the expenditure, and is, or is supposed to be, in the hands of the treasurer or overseer. The overseer presents his account to the board of auditors, so as to determine, not what he shall be paid, but whether he is entitled to keep what he has taken. It is not true, doubtless, that in all instances the money required is actually in his hands. He may issue orders or make contracts when there are no funds with which to pay. He must render an account of these also, and

in such case the board audits before payment; and if he receives the money allowed for such expenditures it is in order to pay debts actually due to himself, or to other persons holding the orders, or to whom he is liable for support rendered upon a contract made with him. If an overseer, under such circumstances, should charge for moneys paid, or claim allowance for liabilities incurred, which had no existence in fact, and obtain the money, he would be guilty of fraud."

§ 30. In all counties of this state in which there are not adequate hospital accommodations for indigent persons requiring medical or surgical care and treatment, or in which no appropriations of money are made for this specific purpose, it shall be the duty of county superintendents of the poor, upon the certificate of a physician approved by the board of supervisors, or of the overseers of the poor in the several towns of such counties, upon the certificate of a physician approved by the supervisor of the town, as their jurisdiction over the several cases may require, to send all such indigent persons requiring medical or surgical care and treatment to the nearest hospital, the incorporation and management of which have been approved by the state board of charities, provided transportation to such hospital can be safely accomplished. The charge for the care and treatment of such indigent persons in such hospitals, as herein provided, shall not exceed one dollar per day for each person, which shall be paid by the several counties or towns from which such persons are sent, and provision for which shall be made in the annual budgets of such counties and towns. (*Added by chapter 103 of the Laws of 1901.*)

ARTICLE III.

SETTLEMENT AND PLACE OF RELIEF OF POOR PERSONS.

Section 40. Settlements, how gained.

41. Qualification of last section.
42. Poor persons not to be removed, and how supported.
43. Proceedings to determine settlement.
44. Hearing before superintendents.
45. How to compel towns to support poor persons.
46. Proceedings to determine who are county poor.
47. In counties without almshouse.
48. Decisions to be entered and filed.
49. Appeal to the county court.
50. Penalty for removing.

- Section 51. Proceedings to compel support.
 52. Liability, how contested.
 53. Neglect to contest.
 54. Actions, when and how to be brought.
 55. Penalty for bringing foreign poor into this state.
 56. Poor children under sixteen years of age.
 57. Persons having real or personal property.

§ 40. Settlements, how gained.—Every person of full age, who shall be a resident and inhabitant of any town or city for one year, and the members of his family who shall not have gained a separate settlement, shall be deemed settled in such town or city, and shall so remain until he shall have gained a like settlement in some other town or city in this state, or shall remove from this state and remain therefrom one year. A minor may be emancipated from his or her father or mother and gain a separate settlement:

1. If a male, by being married and residing one year separately from the family of his father or mother.

2. If a female, by being married and having lived with her husband; in which case the husband's settlement shall be deemed that of the wife.

3. By being bound as an apprentice and serving one year by virtue of such indentures.

4. By being hired and actually serving one year for wages, to be paid such minor.

The place of birth of an infant pauper is, *prima facie*, his place of settlement, but it may be removed to the last legal settlement of the parents when discovered. *Supreme Court, August, 1819, Overseers of Vernon v. Overseers of Smithville*, 17 Johns. 89; and see, also, *Supreme Court, August, 1817, Delavergne v. Noxon*, 14 Johns. 333; *Supreme Court, October, 1826, Overseers of Berne v. Overseers of Knox*, 6 Cow. 433; *Supreme Court, February, 1824, Niskayuna v. Albany*, 2 Cow. 537.

If it do not appear that one has gained a settlement in his own right, his settlement follows that of his father.

But a change in the settlement of the father will not affect that of the son, if the father's settlement is obtained after the emancipation of the son.

To acquire settlement by apprenticeship, the servant must be under an indenture, or a deed, contract or writing not indented; a parole binding is not sufficient.

The place of birth is, *prima facie*, the place of settlement; but if the father's settlement be in another place, the settlement of the child follows

his. *Supreme Court, February, 1824, Overseers of Niskayuna v. Overseers of Albany, 2 Cow. 537.*

A father, who has acquired a legal settlement in a town, cannot by any deed, release or act of emancipation, divest his son, who has not arrived at 21 nor acquired a settlement for himself, of his right of settlement derived from his father; though the son, since such deed of emancipation, had not resided in his father's family, but had acted in all things for himself and worked entirely for his own benefit. *Supreme Court, January, 1823, Adams v. Foster, 20 Johns. 452.*

Until a poor person acquires a settlement in his own right, his settlement is that of his father or mother. *Supreme court, January, 1889, Stillwell v. Kennedy, 51 Hun, 114.*

Italian laborers, who come to the United States in search of work, leaving their families in Italy, are employed in constructing railroads, liable to be discharged at any time, and free to leave their employment when they see fit and living in rough shanties built by the railroad contractors, do not give a settlement in a town in which they work for a year, under 3 Rev. Stat. (Banks 8th ed.) p. 2111, § 29, providing that every person of full age, who shall be "a resident and inhabitant of any town one year," shall be deemed settled in said town. *Schuyler County Court, July 15, 1893, in re Town of Hector, 24 N. Y. Supp. 475. See Queens County Court, August, 1895, Smith v. Williams, 13 Misc. 761; s. c., 69 St. Rep. 611.*

The overseer is the sole judge as to who are paupers in his town, and should be relieved by him, and the exercise of that power cannot be reviewed collaterally either in the supreme court or by the town auditors. *Supreme Court, 1890, Christman v. Phillips, 58 Hun, 282; s. c., 34 St. Rep. 444.*

The town is charged with the support of the poor when there is no action taken by the supervisors to abolish the distinction between town and county poor. The city stands under the Poor Law in the place of the town. *Supreme Court, May, 1888, Nuns v. L. I. City, 48 Hun, 306.*

A person living on and working a farm on shares for two years or more gains a settlement. *Supreme Court, October, 1817, Overseers v. Overseers, 14 Johns. 365.*

An estate situate in a town without residence there, does not gain the owner a settlement in that town. *Supreme Court, May, 1819, Sherburne v. Norwich, 16 Johns. 186.*

A bastard child is settled in the town where it was born until it acquires a settlement for itself. *Supreme Court, August, 1817, Delavergne v. Noxon, 14 Johns. 333.*

A person cannot gain a settlement in any town until he shall have resided there for at least one year, whether such person be a pauper or not. When a settlement is once legally gained in any town it must necessarily remain there until one is subsequently established in some other town or county. *Montgomery County Court, March, 1882, Sitterly v. Murray, 63 How. Pr. 367.*

An adjudication as to the settlement of paupers for whose relief expenditures have been incurred by a town, may be made subsequent to such expenditures. *Supreme Court, May, 1829, People v. Supervisors of Oswego, 2 Wend. 291.*

The question of settlement cannot be tried in an action on a bond given to indemnify the town for the support of a bastard; the obligor is estopped by his bond from contesting that question. *Supreme Court, August, 1806, Falls v. Belknap*, 1 Johns. 486.

If a pauper having no settlement, be removed to another town to relieve the overseers from the burden of supporting him, and the overseers of the town to which he is removed are compelled to support him, the latter may recover by an action for reimbursement, against the overseers of the town which improperly removed him. *Supreme Court, October, 1818, Pittstown v. Plattsburgh*, 15 Johns. 436.

An overseer or superintendent of the poor who finds a pauper in his county or town, has no right to remove such pauper to another town or county where he believes he belongs; but he must provide for the pauper and then pursue the remedy afforded by the laws. *Supreme Court, July, 1883, Smith v. Brundage*, 17 Weekly Dig. 266.

A day laborer, who supported his family in one county, until immediately after moving into another county he becomes disabled and a county charge, is not a pauper as intended by the statutes. *Supreme Court, January, 1889, Wood v. Simmons*, 51 Hun, 325; s. c. 21 St. Rep. 390; 4 N. Y. Supp. 368.

Rev. St. N. Y. pt. 1, tit. 1, c. 20, § 59, as amended by chap. 546, L. 1885, provides that, when a pauper strays or is removed from one municipality to another, the county superintendents of the poor shall give the overseers of the poor of the pauper's town notice of such improper removal, and require them to take charge of the pauper. *Held*, that a notice which does not state that the pauper was a pauper while in the town from which he came, nor that his voluntary change of residence was improper was insufficient. *Supreme Court, June 22, 1889, McKay v. Walsh*, 6 N. Y. Supp. 358; 2 Sil. S. C. 463.

It is not necessary that a written denial of responsibility for the support of pauper by an overseer or superintendent should follow the exact language of the statute. *Court of Appeals, October 7, 1890, Stillwell v. Coons*, 122 N. Y. 242; affirming s. c. 12 St. Rep. 745.

Appeal is debarred from an order of removal which has not been executed owing to the death of the pauper. *Supreme Court, January, 1823, Adams v. Foster*, 20 Johns. 452.

Though an overseer abandon the appeal from an order of removal and takes back the pauper, yet the unreversed order is not conclusive evidence of settlement in the appellate town. *Supreme Court, August, 1819, Vernon v. Smithville*, 17 Johns. 89. See also *Supreme Court, February 1824, People v. Supervisors of Cayuga County*, 2 Cow. 530.

On appeal from an order of removal of a pauper, the order is no evidence of the facts it contains; but the respondents are bound to begin *de novo*; and make out their case independent of the order. *Supreme Court, February, 1827, Otsego v. Smithfield*, 6 Cow. 760.

The sessions may allow costs on appeals to them, from orders of removal. *Supreme Court, May, 1806, Newburg v. Plattekill*, 1 Johns. 330.

The force of an order requiring a relative to pay a certain sum per week to the county superintendent of the poor, for the support of an alleged dependent poor person, until the further order of the court, is terminated

by the termination of the person's dependency upon the public for support, as, by a discharge from the poorhouse followed by self-support; the doctrine of *res adjudicata* does not preclude the defendant, against whom such an order has been made, from setting up such a defence. *Court of Appeals, January 26, 1897, Aldridge v. Walker*, 151 N. Y. 527; reversing s. c. 82 Hun. 614.

A widow with children, who has a little personal property and is sick and unable to work, and whose husband's funeral expenses were paid by the town, and who has received aid from the town without objection from the overseer, is a poor and indigent person, within the meaning of the statute against the removal of poor persons from one town or county to another, with the intent to charge such town or county with their support. *Supreme Court, November 22, 1892. Bartlett v. Ackerman*, 49 St. Rep. 296; s. c. 66 Hun. 629.

The individual, under whose roof a poor person dies, is bound to carry the body, decently covered, to the place of burial. *Supreme Court, October, 1896, Griffin v. Condon*, 18 Misc. 236; s. c. 41 N. Y. Supp. 380.

Where a man and his wife resided for some years in Cattaraugus county, when they removed to Chemung, where the wife became insane and was taken to the asylum in Cattaraugus county, and the husband then moved to Buffalo and procured his wife's discharge and took her to his home, but shortly afterwards he took her back to the asylum, it was held, that when the wife was removed from the asylum, she ceased to be an insane pauper, that the husband acquired a settlement in Erie county, and his settlement became that of his wife, and an action for her support at the asylum could be maintained against Erie county. *Supreme Court, January 18, 1893, Superintendent of Cattaraugus v. Superintendent of Erie*, 50 St. Rep. 347; s. c. 66 Hun. 636.

§ 41. Qualification of last section.—A woman of full age, by marrying, shall acquire the settlement of her husband. Until a poor person shall have gained a settlement in his or her own right, his or her settlement shall be deemed that of the father, if living, if not, then of the mother; but no child born in any almshouse shall gain any settlement merely by reason of the place of such birth; neither shall any child born while the mother is such poor person, gain any settlement by reason of the place of its birth. No residence of any such poor person in any almshouse, while such person, or any member of his or her family is supported or relieved at the expense of any other town, city, county or state, shall operate to give such poor person a settlement in the town where such actual residence may be.

§ 42. Poor person not to be removed, and how supported.—No person shall be removed as a poor person from any city or town to any other city or town of the same or any other county,

nor from any county to any other county except as hereinafter provided; but every poor person, except the state poor, shall be supported in the town or county where he may be, as follows:

1. If he has gained a settlement in any town or city in such county, he shall be maintained by such town or city.

2. If he has not gained a settlement in any town or city in the county in which he shall become poor, sick or infirmed, he shall be supported and relieved by the superintendents of the poor at the expense of the county.

3. If such person be in a county where the distinction between town and county poor is abolished, he shall, in like manner, be supported at the expense of the county, and in both cases, proceedings for his relief shall be had as herein provided.

4. If such poor person be in a county where the respective towns are liable to support their poor, and has gained a settlement in some town of the same county other than that in which he may then be, he shall be supported at the expense of the town or city where he may be, and the overseers shall, within ten days after the application for relief, give notice in writing to an overseer of the town to which he shall belong, requiring him to provide for the support and relief of such poor person.

The penalty given by statute for bringing a poor or indigent person, not having a settlement, into any city or town within this State without legal authority, is incurred as well by bringing such person from one town to another town within the State, as by bringing him from without the State. *Supreme Court, May, 1832, Thomas v. Ross, 8 Wend. 672.*

To subject a party to the penalty, it must be shown that he acted *mala fide*; it seems, that carriers of passengers are within the letter, but not within the spirit of the act, and cannot be charged, unless in bringing poor and indigent persons into a city or town, and leaving them there, they act fraudulently.

Proof by an inhabitant long a resident in the town, that he had never known the pauper is *prima facie* sufficient evidence that the pauper has not a legal settlement in the town. *Id.*

It is no defense that the pauper had formerly a legal settlement in the place to which he was brought, and had not subsequently gained one elsewhere. *Supreme Court, May, 1847, Winfield v. Mapes, 4 Den. 571.*

§ 43. Proceedings to determine settlement.—If, within ten days after the service of such notice, the overseer to whom the same was directed, shall not proceed to contest the allegation of the settlement of such poor person, by giving the notice hereinafter directed, he or his successors, and the town which he or they

represent, shall be precluded from contesting or denying such settlement. He may, within the time mentioned, give written notice to the overseer of the town where such person may be, and from whom he has received the notice specified in the last section, that he will appear before the county superintendents, at a place and on a day therein to be specified, which day shall be at least ten days and not more than thirty days from the time of the service of such notice of hearing, to contest the alleged settlement. If the county superintendents fail to appear at the time and place so appointed, they shall, at the request of the overseers of either town appoint some place, and some other day, for the hearing of such allegations, and cause at least five days' notice thereof to be given to such overseers; and no poor person shall be deemed to have gained a settlement, when the proper notices to contest the settlement have been served, until there has been a hearing before the superintendent thereof, and an order by them made and filed in the office of the county clerk, fixing the settlement of such poor person.

Montgomery County Court, March, 1882, In Sitterly v. Murray, 63 How. Pr. 370, the court said, "the object and scheme of the statute seem to be to provide for the settlement of all persons under the poor laws, no matter what their previous financial condition may have been, and whether they were ever paupers before or not, and to fix the liability of the proper town for their support and maintenance, whenever by misfortune or otherwise they should become a charge upon the public. This is the reasonable and natural conclusion to be drawn from the various provisions of the statute and from the language of these particular sections."

§ 44. *Hearing before superintendents.*—The county superintendents shall convene whenever required by any overseer pursuant to such notice, and shall hear and determine the controversy, and may award costs, not exceeding fifteen dollars, to the prevailing party, which may be recovered in an action in a court of competent jurisdiction. Witnesses may be allowed fees as in courts of record. The decision of the superintendent shall be final and conclusive, unless an appeal therefrom shall be taken as provided by this chapter.

§ 45. *How to compel towns to support poor persons.*—The overseers of the poor of the town in which it may be alleged any poor person has gained a settlement, may, at any time after receiving such notice requiring them to provide for such person, take and receive such poor person to their town, and there sup-

port him; if they omit to do so, or shall fail to obtain the decision of the county superintendents, so as to exonerate them from the maintenance of such poor person, the charge of giving such notice, and the expense of maintaining such person, after being allowed by the county superintendents, shall be laid before the board of supervisors at their annual meetings from year to year, as long as such expenses shall be incurred, and the supervisors shall annually add the amount of such charges to the tax to be laid upon the town to which such poor person belongs, together with such sum in addition thereto, as will pay the town incurring such expense, the interest thereon, from the time of expenditure to the time of repayment, which sum shall be assessed, levied and collected in the same manner as other charges of such town. Such moneys when collected shall be paid to the county treasurer and be by him credited to the account of the town which incurred the expenses.

See *Court of Appeals, June, 1857, Overseers of Norwich v. Overseers of Pharsalia*, 15 N. Y. 341. The town of Pharsalia being liable for the support of certain paupers, at the time being in the town of Norwich, the defendant, as overseer of the poor of Pharsalia, promised the plaintiffs, overseers, etc., of Norwich, that if they would provide for such paupers, he would pay the expenses incurred; *Held*, that it was not within the official power of the defendant to make such a contract, and that the plaintiffs are confined to the remedy given by the statute, viz., the audit of the account by the superintendents of the poor, and the levying of the amount by the board of supervisors on the town of Pharsalia for the benefit of Norwich. Chief Justice Denio, writing the opinion, says:

"It was not contended, on the argument, that the defendant was personally liable, on the alleged promise, to reimburse the town of Norwich. The action was brought to enforce an alleged liability of the town, which the defendant represents, in favor of the town represented by the plaintiffs. But an examination of the statutes will show that the alleged contract of the defendant was not within the scope of his official power, and hence, that no action against the town can be maintained upon it. The Revised Statutes provide that paupers shall not be removed from one town to another, as they might have been under the former statutes; but they declare that every poor person shall be supported in the town or county where he may be. In counties where the respective towns are liable to support their poor (which was the case in Chenango), if a pauper has gained a settlement in a different town, in the same county, from the one where he may be when he requires relief, 'he shall be supported at the expense of the town where he may be, and the overseers shall give notice, in writing, to the overseers of the town in which such pauper shall belong, or to one of them, requiring them to provide for the support and relief of such pauper.' The two following sections provide for trying the question

as to the settlement of the pauper before the county superintendents of the poor, in cases where the overseer of the poor, on whom the notice is served, shall contest that point; and it is declared that, if he do not institute the proceedings authorized to be taken for that purpose, he and his town shall be forever precluded from denying that the settlement was in that town. The next section shows the manner in which the expenses incurred by the town of Norwich, in this case, might have been recovered, as follows: 'The overseers of the poor of the town in which it may be alleged any pauper has gained a settlement, may, at any time, after receiving such notice, requiring them to provide for such pauper, take and receive such pauper to their town, and there support him. If they omit to do so, or shall fail to obtain the decision of the county superintendents so as to exonerate them from the maintenance of such pauper, the charge of giving such notice, and the expense of maintaining such pauper, after being allowed by the county superintendents, shall be laid before the board of supervisors at their annual meetings, from year to year, as long as such expenses shall be incurred; and the supervisors shall annually add the amount of such charges to the tax to be levied upon the town to which such pauper belongs, together with such sum, in addition thereto, as will pay the town incurring such expenses the lawful interest thereon, from the time of expenditure to the time of repayment, which sum shall be assessed, levied and collected in the same manner as the other contingent expenses of such town. The said moneys, when collected, shall be paid to the county treasurer, and be by him credited to the account of the town which incurred the said expenses.'

"Now assuming that the defendant, as overseer of Norwich, made the promise alleged in the complaint, he did not bind his town more strongly for the payment of these expenses than it was bound by the statute; and he could not, by making such a promise, change the mode which the law had provided for the auditing, collecting and paying over the money. The overseers of Pharsalia, on receiving the notice from the plaintiff's town, could do one of two things. They could contest the allegation of settlement in their town by a proceeding before the superintendents. If they believed this could not be successfully done, they might take the pauper home to their own town, and provide for his support under their own superintendence. If they do neither, then the law takes charge of the case, and declares that the pauper shall be supported (in the first instance) at the expense of the town where he may be, and that such expense, after being audited by the county superintendents, shall be collected like the other town charges, out of the town which is chargeable, through the agency of the board of supervisors. The defendant elected neither to contest the settlement in his town, nor to bring the pauper there, to be supported under his direction; but it is said he bound his town, by an express promise, that it should reimburse the plaintiff's town. This is just what the statute declared should be done, and that obligation was not increased or diminished by the making of such promise. Nor can the fact of the making of such an undertaking authorize the town entitled to be reimbursed to pass by the agencies which the law has provided for the ascertainment of the amount of the expenses before they are levied upon the taxpayers, and sue the town, or its representative, in the courts. The

alleged official promise of the defendant was void for want of authority, on his part, to make it. If he did not choose to adopt one or the other of the causes which I have mentioned, he had no further agency in the case. The promise, therefore, was officious, and did not affect his town in any manner. The decision of the referee was right, and his judgment should be affirmed."

§ 46. Proceedings to determine who are county poor.—The support of any poor person shall not be charged to the county, without the approval of the superintendents. If a poor person be sent to the county almshouse as a county poor person, the superintendents, in counties where there are town poor, shall immediately inquire into the facts, and if they are of opinion that such person has a legal settlement in any town of the county, they shall, within thirty days after such poor person shall have been received, give notice to the overseers of the poor of the town to which such poor person belongs, that the expenses of such support will be charged to such town, unless the overseers within such time as the superintendents shall appoint, not less than twenty days thereafter, show that such town ought not to be so charged. On the application of the overseers, the superintendents shall re-examine the matter and take testimony in relation thereto, and decide the question; which decision shall be conclusive, unless an appeal therefrom shall be taken in the manner provided in this chapter.

§ 47. In counties without almshouse.—In counties having no almshouse, no person shall be supported as a county poor person, without the direction of at least one superintendent. In such cases the overseers of the poor, where such person may be, shall, within ten days after granting him relief, give notice thereof and that such person is not chargeable to their town, to one of the superintendents who shall inquire into the circumstances, and if satisfied that such poor person has not gained a legal settlement in any town of the county, and is not a state poor person, he shall give a certificate to that effect, and that such person is chargeable to the county. He shall report every such case to the board of superintendents at their next meeting, who shall affirm such certificate, or, on giving at least eight days' notice to the overseers of the poor of the town interested may annul the same. After hearing the allegations and proofs in the premises, if the superintendent to whom the overseers

have given such notice shall neglect or refuse to give such certificate, the overseers may apply to the board of superintendents, who shall summarily hear and determine the matter, and whose decision shall be conclusive, unless an appeal therefrom shall be taken in the manner provided in this chapter. Such appeal may also be taken from the refusal of one superintendent to grant such certificate when there is but one superintendent in the county.

§ 48. Decisions to be entered and filed.—The decisions of county superintendents in relation to the settlement of poor persons, or to their being a charge upon the county, shall be entered in books to be provided for that purpose, and certified by the signature of such of the superintendents as make the same; and a duplicate thereof, certified in the same manner, shall be filed in the office of the county clerk within thirty days after making such decision.

§ 49. Appeal to the county court.—Any or either of the parties interested in a decision of the superintendent of the poor, or in any dispute that shall arise concerning the settlement of any poor person, may appeal from such decision to the county court of the county in which such decision shall be made, by serving upon the other parties interested therein, within thirty days after service upon the appellant of a notice of the same, a notice of appeal, which shall be signed by the appellant or his attorney, and which shall specify the grounds of the appeal. The hearing of such appeal may be brought on by either party in or out of term, upon notice of fourteen days. Upon such appeal a new trial of the matters in dispute shall be had in the county court without a jury, and a decision of the county court therein shall be final and conclusive, and the same costs shall be awarded as are allowed on appeals to said court.

For the purposes of this chapter the county court shall be deemed open at all times.

§ 50. Penalty for removing.—Any person who shall send, remove or entice to remove, or bring, or cause to be sent, removed or brought, any poor or indigent person, from any city, town or county, to any other city, town or county, without legal authority, and there leave such person for the purpose of avoid-

ing the charge of such poor or indigent person upon the city, town or county from which he is so sent, removed or brought or enticed to remove, shall forfeit fifty dollars, to be recovered by and in the name of the town, city or county to which such poor person shall be sent, brought or removed, or enticed to remove, and shall be guilty of a misdemeanor.

To make a person liable, under the statutes, for removing, without legal authority a poor and indigent person to another county, it must be alleged, and proven to be, *with intent*, to make such county chargeable with the support of such pauper.

The same intent must also be established, where the action is to make the county from which the pauper was removed liable under such provisions.

The intent with which the removal is effected, is the gravamen of criminal offense. An action will not lie by the superintendents of the poor of one county against the superintendents of another county for the maintenance of a pauper removed from the county of the latter *without legal authority*, into the county of the former, where the removal is made *at the request of the pauper*, so that he may be under the care of his family and friends, and *without any intent on the part of the person removing him to make the county into which he is removed chargeable with his support*. It seems, that the bringing of a pauper into this State, will not subject the person bringing him to the penalties of the act on this subject, unless it be done *with the intent* of subjecting some particular town or county to the charge of supporting such pauper. *Court of Appeals, March, 1866, Foster v. Cronkhite*, 35 N. Y. 139. A party may testify directly to the intent with which he did an act, when the intent is a fact material to the issue. *Court of Appeals, December, 1870, Cortland County v. Herkimer County*, 44 N. Y. 22.

In the latter case it was held that the superintendent might testify directly as to the intent with which he did an act when the intent is a fact material to the issue.

§ 51. Proceedings to compel support.—A poor person so removed, brought or enticed, or who shall of his own accord come or strayed from one city, town or county into any other city, town or county not legally chargeable with his support, shall be maintained by the county superintendents of the county where he may be. They may give notice to either of the overseers of the poor of the town, or city from which he was brought or enticed, or came as aforesaid, if such town or city be liable for his support, and if there be no town or city in the county from which he was brought or enticed or came liable for his support, then to either of the county superintendents of the poor of such county, within ten days after acquiring knowledge of

such improper removal, informing them of such improper removal, and requiring them forthwith to take charge of such poor person. If there be no overseers or superintendents of the poor in such town, city or county, such notice shall be given to the person, by whatever name known, who has charge and care of the poor in such locality.

In *Supreme Court*, June 21, 1889, *Bellows v. Counter*, 6 N. Y. Supp. 73, it was held that an action will not lie for the support of a pauper by a county into which he had voluntarily removed, at a time when he was not a pauper, against the county from which he had so removed.

An overseer or superintendent of the poor who finds a pauper in his county or town, has no right to remove him to another town or county where he believes he belongs; but he must provide for his support and then pursue his remedy afforded by the laws. *Smith v. Brundage*, 17 Wkly. Dig. 266.

In *Supreme Court*, June 22, 1889, *McKay v. Welch*, 6 N. Y. Supp. 358, it was held, that a notice which does not state that the pauper was a pauper while in the town from which he came nor that his voluntary change of residence was improper, was insufficient.

Held that, when a person becomes a "poor person" after he has left the town or county in which he has gained a settlement, he must be supported by the county in which he becomes a poor person, without right on the part of such county to reimbursement from the town or county from which he came even though his settlement still remains there. *Supreme Court, App. Div.*, May 3, 1905, *Delaware County v. Town of Delaware, Sullivan County*. 93 N. Y. Supp. 954.

§ 52. Liability, how contested.—The county superintendents, or overseers, or other persons to whom such notice may be directed, may, after the service of such notice, take and remove such poor person to their county, town or city, and there support him, and pay the expense of such notice, and of the support of such person; or they shall, within thirty days after receiving such notice, by a written instrument under their hands, notify the county superintendents from whom such notice was received, or either of them, that they deny the allegation of such improper enticing or removal, or that their town, city or county is liable for the support of such poor person.

It is not necessary to follow the language of the statute in a denial of liability for the support of a pauper. *Court of Appeals*, October 7, 1890, *Stillwell v. Coons*, 122 N. Y. 242.

Personal service of a notice is not necessary to enable a town, city or county to contest its liability. *Supreme Court*, January, 1889, *Stillwell v. Kennedy*, 51 Hun, 114.

When a poor person removes, or is removed from a town in one county to a town, not chargeable with his support, in another county, and is there

necessarily relieved by the overseer of the poor of the town the expense incurred and the burden of thereafter maintaining the person is, as between that town and its county, a charge on the county, provided the overseer gives the superintendent of the poor of his county notice of the circumstances of the case, as provided by the statute. *Court of Appeals, October 7, 1890, Stillwell v. Coons*, 122 N. Y. 242-4.

If such denial be served by mail, received and retained by the plaintiff without objection, the service is sufficient. *Id.*; *Supreme Court, January, 1889, Stillwell v. Kennedy*, 51 Hun, 114.

Revised Statutes N. Y. pt. I, ch. 20, tit. I, § 31, provides that no person shall be removed as a pauper from any city or town to any city or town of the same or any other county, or from any county to any other county, but every poor person shall be supported in the county where he may be; that if he has gained a settlement in any town in such county he shall be maintained by such town; and that if he has not gained a settlement in the county in which he shall become poor, sick or infirm, he shall be supported and relieved by the superintendent of the poor at the expense of the county. Such statutes, as amended by Laws of New York, 1885, ch. 546, provide that any pauper, who shall, of his own accord, come or stray from one city, town or county, into any other city, town or county not legally chargeable with his support, shall be maintained by the superintendent of the county where he may be, and that by taking certain proceedings the liability of the county or town from whence he came for his support may be fixed, if such county is so liable. *Held*, that one who had always been able to support himself and family by manual labor, though the wages earned by him were not more than sufficient for that purpose, was not a pauper, within the meaning of the statute; and where, having been a resident of the city and county of New York he went to another county, and there met with an accident, which rendered him unable to support himself, the county from whence he came is not liable for his support. *Supreme Court, January, 1889, Wood v. Simmons*, 4 N. Y. Supp. 368; s. c. 51 Hun, 325.

§ 53. Neglect to contest.—If there shall be a neglect to take and remove such poor person, and to serve notice of such denial within the time above prescribed, the county superintendents and overseers, respectively, whose duty it was so to do, their successors, and their respective counties, cities or towns, shall be deemed to have acquiesced in the allegations contained in such first notice, and shall be forever precluded from contesting the same, and their counties, cities and towns, respectively, shall be liable for the expenses of the support of such poor person, which may be recovered from time to time, by county superintendents incurring such expenses, in the name of their county in actions against the county, city or town so liable.

§ 54. Actions, when and how to be brought.—Upon service of any such notice of denial, the county superintendents upon whom the same may be served, shall, within three months, com-

mence an action in the name of their county, against the town, city or county so liable for the expenses incurred in the support of such poor person, and prosecute the same to effect; if they neglect to do so, their town, city or county, shall be precluded from all claim against the town, city or county to whose officers such first notice was directed.

§ 55. Penalty for bringing foreign poor into this state.—Any person who shall knowingly bring or remove, or cause to be brought or removed, any poor person from any place without this state, into any county, city or town within it, and there leave or attempt to leave such poor person, with intent to make any such county, city or town, or the state, wrongfully chargeable with his support, shall forfeit fifty dollars, to be recovered by an action in a court of competent jurisdiction in the county, and in the name of the county, city or town into which such poor person shall be brought, and shall be obliged to convey such person out of the state, or support him at his own expense, and shall be guilty of a misdemeanor, and the court or magistrate before whom any person shall be convicted for a violation of this section shall require of such person satisfactory security that he will within a reasonable time, to be named by the court or magistrate, transport such person out of the state, or indemnify the town, city or county for all charges and expenses which may be incurred in his support; and if such person shall refuse to give such security when so required, the court or magistrate shall commit him to the common jail of the county for a term not exceeding three months.

Overseers of the poor, who have expended money, under an order for the maintenance of a pauper, cannot maintain an action on the case against the person who brought the pauper into the town, having no legal settlement in the state, for the amount so expended; but their remedy is under the statute to recover the penalty given in such case. *Supreme Court, May, 1814, Crouse v. Mabbett et al.*, 11 Johns. 167.

The penalty given by statute for bringing a poor, or indigent person, not having a settlement, into any city or town within this State without legal authority, is incurred as well by bringing such person from one town to another town within the State, as by bringing him from without the State. To subject a party to the penalty, it must be shown that he acted *mala fide*; it seems, that carriers of passengers are within the letter, but not within the spirit of the act, and cannot be charged, unless in bringing poor and indigent persons into a city or town, and leaving them there, they acted fraudulently. Proof by an inhabitant long a resident in the

town, that he had never known the pauper, is *prima facie* sufficient evidence that the pauper has not a legal settlement in the town. *Supreme Court, May, 1832, Thomas v. Ross & Shaw, 8 Wend. 672.*

§ 56. Poor children under sixteen years of age.—No justice of the peace, board of charities, police justice, or other magistrate, or court, shall commit any child under sixteen years of age, as a vagrant, truant or disorderly person, to any jail or county almshouse, but to some reformatory, or other institution, as provided for in the case of juvenile delinquents; and when such commitments are made, the justice of the peace, board of charities, police justice, or other magistrate or court making the same, shall immediately give notice to the superintendents of the poor or other authorities having charge of the poor of the county in which the commitment was made, giving the name and age of the person committed, to what institution, and the time for which committed; nor shall any county superintendents, overseers of the poor, board of charity, or other officer, send any child under the age of sixteen years, as a poor person, to any county almshouse, for support and care, or retain any such child in such almshouse, but shall provide for such child or children in families, orphan asylums, hospitals, or other appropriate institutions for the support and care of children as provided by law, except that a child under two years of age may be sent with its mother, who is a poor person, to any county almshouse, but not longer than until it is two years of age. The board of supervisors of the several counties, and board of estimate and apportionment of the county of New York, and the appropriate board or body in the county of Kings shall take such action in the matter as may be necessary to carry out the provisions of this section. When any such child is committed to an orphan asylum or reformatory, it shall, when practicable, be committed to an asylum or reformatory that is governed or controlled by persons of the same religious faith as the parents of such child.

This action was brought by the plaintiff, a corporation organized under the laws of this State for the care, education and support of poor orphan children, to recover the amount due it for supporting certain children between the age of two and sixteen years, residents of Long Island City, and whom it had received, cared for and supported, on authority of written orders given by the overseer of the poor of the defendant city.

Held, that the plaintiff was entitled to recover, as it had acted under the direction of an officer, who had full power to give such direction, and who

was compelled by law to furnish the support for such children outside of the poorhouse, and in an incorporated orphan asylum.

That, as the relief of the children was permanent and not temporary, the \$10 limitation imposed by section 42 of 2 Revised Statutes (7th ed., page 1861), did not apply to them. *Supreme Court, May, 1888, Nuns of St. Dominick v. Long Island City*, 48 Hun, 306.

Relator was a charitable institution incorporated under chap. 319, of 1848, and having the approval of the state board of charities under chap. 446, of 1883. Under the statutes and by commitments not in all respects perfect, children were sent to relator and its bills therefor audited by the supervisors; the defendant, county treasurer, refused to pay. *Held*, that the bills were a county charge and that the court would not here scrutinize the commitments with that care which it would exercise if the proceedings were a habeas corpus and the commitment were claimed to be illegal or insufficient. *Supreme Court, July 7, 1890, People ex rel. Mt. Magdalen School v. Dickson*, 32 St. Rep. 495; 57 Hun, 312; see *In re Jurisdiction*, 3 How. Pr. 39, 43, 44.

§ 57. If it shall at any time be ascertained that any person, who has been assisted by or received support from any town, city or county, has real or personal property, or if any such person shall die, leaving real or personal property, an action may be maintained in any court of competent jurisdiction, by the overseer of the poor of the town or city, or the superintendent of the poor of any county which has furnished or provided any such assistance or support, or any part thereof, against such person or his or her estate, to recover such sums of money as may have been expended by their town, city or county in the assistance and support of such person during the period of ten years next preceding such discovery or death. (*Added by chapter 664 of the Laws of 1901.*)

ARTICLE IV.

SUPPORT OF BASTARDS.

Section 60. Penalty for removing mother of bastard; how supported after removal.

61. Mother and child poor persons; proceedings against county or town from which she was removed.
62. Mother and bastard; how to be supported.
63. Mother and child not to be removed without her consent.
64. Overseers to notify superintendents of cases of bastardy; when county chargeable.

Section 65. Duty of superintendents to provide for mother and child.

66. Until taken charge of by superintendents, to be supported by overseers.
67. Overseers of towns to support bastard and mother, whether chargeable or not.
68. Moneys received by overseers from parents of bastard how applied, and accounted for.
69. When moneys received on account of bastard chargeable to county, how to be disposed of.
70. Disputes concerning settlement of bastard, how determined.
71. Proceedings when bastard is chargeable to another town.
72. Mode of ascertaining sum to be allowed for support of bastard.
73. When mother and child to be removed to county almshouse.
74. Compromise with father of bastard; when mother may receive money.
75. Compromise with putative fathers in New York.

Section 60. Penalty for removing mother of bastard; how supported after removal.—If the mother of any bastard, or of any child likely to be born a bastard, shall be removed, brought or enticed into any county, city or town from any other county, city or town of this state, for the purpose of avoiding the charge of such bastard or child upon the county; city or town from which she shall have been brought or enticed to remove, the same penalties shall be imposed on every such person so bringing, removing or enticing such mother to remove, as are provided in the case of the fraudulent removal of a poor person. Such mother, if unable to support herself, shall be supported during her confinement and recovery therefrom, and her child shall be supported, by the county superintendents of the poor of the county where she shall be, if no provision be made by the father of such child.

In bastardy cases the mother and child are deemed paupers, and the fact that the mother or child are likely to become chargeable to the county as paupers, gives the superintendents of the poor authority to institute

these proceedings. *Court of Appeals, January, 1885, Neary v. Robinson, 27 Hun, 145.*

§ 61. Mother and child poor persons; proceedings against county or town from which she was removed.—Such mother and her child shall, in all respects, be deemed poor persons; and the same proceedings may be had by the county superintendents to charge the town, city or county from which she was removed or enticed, for the expense of supporting her and her child, as are provided in the case of poor persons fraudulently or clandestinely removed; and an action may be maintained in the same manner for said expenses and for all expenses properly incurred in apprehending the father of such child, or in seeking to compel its support by such father or its mother.

§ 62. Mother and bastard; how to be supported.—The mother of every bastard, who shall be unable to support herself, during her confinement and recovery therefrom, and every bastard, after it is born, shall be supported as other poor persons are required to be supported by the provisions of this chapter, at the expense of the city or town where such bastard shall be born, if the mother have a legal settlement in such city or town, and if it be required to support its own poor; if the mother have a settlement in any other city or town of the same county, which is required to support its own poor, then at the expense of such other city or town; in all other cases, they shall be supported at the expense of the county where such bastard shall be born.

§ 63. Mother and child not to be removed without her consent.—The mother and her child shall not be removed from any city or town to any other city or town in the same county, nor from one county to any other county, in any case whatever, unless voluntarily taken to the county, city or town liable for their support, by the county superintendents of such county or the overseers of the poor of such city or town.

§ 64. Overseers to notify superintendents of cases of bastardy; when county chargeable.—The overseers of the poor of any city or town where a woman shall be pregnant with a child, likely to be born a bastard, or where a bastard shall be born, which child or bastard shall be chargeable, or likely to become chargeable to the county, shall, immediately on receiving information

of such fact, give notice thereof to the county superintendents, or one of them.

§ 65. Duty of superintendents to provide for mother and child.—The county superintendents shall provide for the support of such bastard and its mother, in the same manner as for the poor of such county.

§ 66. Until taken charge of by superintendents, to be supported by overseers.—Until the county superintendents take charge of and provide for the support of such bastard and its mother so chargeable to the county, the overseers of the poor of the city or town shall maintain and provide for them; and for that purpose, the same proceedings shall be had as for the support of a poor person chargeable to the county, who can not be conveniently removed to the county almshouse.

§ 67. Overseers of town to support bastard and mother whether chargeable or not.—Where a woman shall be pregnant with a child likely to be born a bastard, or to become chargeable to a city or town, or where a bastard shall be born chargeable, or likely to become chargeable to a city or town, the overseers of the poor of the city or town where such bastard shall be born, or likely to be born, whether the mother have a legal settlement therein or not, shall provide for the support of such child and the sustenance of its mother during her confinement and recovery therefrom, in the same manner as they are authorized by this chapter to provide for and support the poor of their city or town.

§ 68. Moneys received by overseers from parents of bastard, how applied and accounted for.—Where any money shall be paid to any overseer, pursuant to the order of any two justices, by any putative father, or by the mother of any bastard, the overseers may expend the same directly, in the support of such child, and the sustenance of its mother as aforesaid, without paying the same into the county treasury. They shall annually account, on oath, to the board of town auditors, or to the proper auditing board of a city, at the same time that other town or city officers are required to account for expenditures of all moneys so received by them, and shall pay over the balance in their hands, and under like penalties, as are provided by this chapter, in respect to the poor moneys in their hands.

§ 69. When moneys received on account of bastard chargeable to county; how to be disposed of.—All moneys which shall be ordered to be paid by the putative father, or by the mother of a bastard chargeable to any county, shall be collected for the benefit of such county; and all overseers of the poor, superintendents, sheriffs, and other officers, shall within fifteen days after the receipt of any such moneys, pay the same into the county treasury. Any officer neglecting to make such payment shall be liable to an action by and in the name of the county, for all moneys so received and withheld, with interest from the time of receipt, at the rate of ten per centum; and shall forfeit a sum equal to that so withheld, to be sued for and recovered by and in the name of the county.

§ 70. Disputes concerning settlement of bastard, how determined.—When a dispute shall arise concerning the legal settlement of the mother of a bastard, or of a child born or likely to be born a bastard, in any city or town, the same shall be determined by the county superintendents of the poor, upon hearing of the parties interested, in the same manner and with the same effect as they are authorized to determine the settlement of a poor person under this chapter.

(See notes under section 40, *ante*.)

§ 71. Proceedings when bastard is chargeable to another town.—When a bastard shall be born, or be likely to be born in a town or city, when the legal settlement of the mother is in another town or city of the same county, which is required by law to support its own poor, the overseers of the poor of the town or city where such bastard shall be born, or be likely to be born, shall give the like notice to the overseers of the town or city where the mother's settlement may be, as is required in the case of a person becoming a poor person, under the like circumstances, and the same proceedings shall be had, in all respects, to determine the liability of such town or city as in the case of poor persons.

The overseers of the town or city to which the mother of such bastard belongs may, before the confinement of such mother, or at any time after the expiration of two months after her delivery, if her situation will permit it, take and support such mother and her child.

If they omit to do so, and fail to obtain the determination of the county superintendents in their favor on the question of settlement, the town or city to which the mother belongs shall be liable to pay all the expenses of the support of such bastard, and of its mother during her confinement and recovery therefrom; which expenses, after being allowed by the county superintendents, shall be assessed, together with the lawful interest on the moneys expended, on the town or city to which such mother belongs, and shall be collected in the same manner as provided for poor persons supported under the same circumstances, and the moneys so collected, shall be paid to the county treasurer, for the benefit of, and to be credited to, the town which incurred such expenses.

§ 72. Mode of ascertaining sum to be allowed for support of bastard.—When any town is required to support a bastard, and its mother, whether the mother have a settlement in such town or not, and no moneys shall be received from the putative father or from the mother, to defray the expense of such support, the overseers of the poor shall apply to the supervisor of the town and obtain an order for the support of such bastard, and the sustenance of its mother during her confinement and recovery therefrom, and the sum to be allowed therefor, in the same manner as is required in the case of poor persons, and the moneys paid or contracted to be paid by the overseer, pursuant to such order, shall be paid by the county treasurer in the same manner as for poor persons, and be charged to the town to whose officers such payment shall be made.

§ 73. When mother and child to be removed to county almshouse.—If there be a county almshouse in any county where the towns are required to support their own poor, the overseers of the poor of a town where a bastard shall be born, or shall be likely to be born, may, with the approval of the county superintendents or any two of them, and when the situation of the mother will allow it, remove the mother of such bastard, with her child, to such almshouse, in the same manner as poor persons may be removed; the expenses of which removal shall be defrayed in like manner, and such mother and her child shall be considered as poor of the town so liable for their support, and the expense shall in like manner be estimated and paid.

§ 74. Compromise with father of bastard; when mother may receive money.—Superintendents and overseers of the poor may make such compromise and arrangements with the putative father of any bastard child within their jurisdiction, relative to the support of such child, as they shall deem equitable and just, and thereupon discharge such putative father from all further liability for the support of such bastard.

Whenever a compromise is made with the putative father of bastard child, the mother of such child, on giving security for the support of the child, and to indemnify the city and county or the town and county, from the maintenance of the child, to the satisfaction of the officers making the compromise, shall be entitled to receive the moneys paid by such putative father as the consideration of such compromise. If the mother of such child shall be unable to give the security, but shall be able and willing to nurse and take care of the child, she shall be paid the same weekly allowance for nursing and taking care of the child, out of the moneys paid by the father on such compromise, as he shall have been liable to pay by the order of filiation; such weekly sum to be paid the mother, may be prescribed, regulated or reduced, as in the case of an order of filiation.

An action will not lie by the county superintendents of the poor against the putative father of a bastard child on a promise to indemnify the county, made by him to the supervisor of the town in which the child was born, where it is not shown that the supervisor, in obtaining the promise, acted in the premises at the request or with the privity of the county superintendents. *Supreme Court, October, 1841, Birdsall v. Edgerton et al.*, 25 Wend. 619.

Money paid by a person charged as the father of an unborn bastard to the superintendent of the poor, upon a compromise, under the statutes, it may be recovered back upon its appearing that the supposed mother was not in fact pregnant. It is no defence by the superintendent that he paid the money into the county treasury, no expense having been incurred in the support of the expected child or mother. *Court of Appeals, September, 1862, Rheel v. Hicks*, 25 N. Y. 289.

§ 75. Compromise with putative fathers in New York.—The commissioners of public charities of the city of New York, or any two of them, may make such compromise and arrangements with the putative fathers of bastard children in said city, relative to the support of such children, as they shall deem equitable and just, and thereupon may discharge such putative fathers from all further liability for the support of such bastards.

ARTICLE V.

SOLDIERS, SAILORS AND MARINES.

Section 80. Relief to soldiers and their families.

81. Post to give notice that it assumes charge.
82. Poor or indigent soldiers, et cetera, without families.
83. Burial of soldiers, sailors and marines.
84. Headstones to be provided.

Section 80. Relief to soldiers and their families.—No poor or indigent soldier, sailor or marine who has served in the military or naval service of the United States, nor his family nor the families of any who may be deceased, shall be sent to any almshouse, but shall be relieved and provided for at their homes in the city or town where they may reside, so far as practicable, provided such soldier, sailor or marine or the families of those deceased, are, and have been residents of the state for one year and the proper auditing board of such city or town in those counties where the poor are a county charge, the superintendent, if but one, or superintendents of the poor, as such auditing board in those counties shall provide such sum or sums of money as may be necessary to be drawn upon by the commander and quartermaster of any post of the Grand Army of the Republic of the city or town, made upon the written recommendation of the relief committee of such post; or if there be no post in a town or city in which it is necessary that such relief should be granted, upon the like request of the commander and quartermaster and recommendation of a relief committee of a Grand Army post located in the nearest town or city, to the town or city requested to so furnish relief, and such written request and recommendation shall be a sufficient authority for the expenditures so made. (*As amended by chapters 83 of the Laws of 1899, and 475 of the Laws of 1900.*)

The power to determine who are the indigent persons and families, the necessity for their relief, the measure thereof, the place where and the circumstances under which the same shall be administered, is not vested exclusively in a relief committee of a Grand Army post, but the proper officers of a town, city or county, having jurisdiction to raise and appropriate money for the relief of the poor, have jurisdiction and control over the same, and may determine the amount of money necessary.

The Grand Army post may apply to the auditing board of the municipality for such sum of money as it deems necessary for the purpose of the

act, and that board must exercise its judgment and discretion as to the amount to be appropriated; where it has so done its determination is final, and not subject to review by any court. *Court of Appeals, January, 1893, People ex rel. Crammond v. The Common Council*, 136 N. Y. 489.

§ 81. Post to give notice that it assumes charge.—The commander of any such post which shall undertake to supervise relief of poor veterans or their families, as herein provided, before his acts shall become operative in any town, city or county, shall file with the clerk of such town, city or county, a notice that such post intends to undertake such supervision of relief, which notice shall contain the names of the relief committee, commander, and other officers of the post; and also an undertaking to such city, town or county, with sufficient and satisfactory sureties for the faithful and honest discharge of his duties under this article; such undertaking to be approved by the treasurer of the city or county, or the supervisor of the town, from which such relief is to be received. Such commander shall annually thereafter, during the month of October, file a similar notice with said city or town clerk, with a detailed statement of the amount of relief requested by him during the preceding year, with the names of all persons for whom such relief shall have been requested together with a brief statement in each case, from the relief committee, upon whose recommendation the relief was requested, provided, however, that in cities of the first class said notice and said detailed statement shall be filed with the comptroller of such city, and said undertaking shall be approved by him, and provided further that in any city of the first class which is now or may hereafter be divided into boroughs, a duplicate of such notice and of such detailed statement shall be filed with the commissioner of charities for the borough in which the headquarters of such post is situated, and it shall be the duty of such commissioner to annually include in his estimate of the amount necessary for the support of his department such sum or sums of money as may be necessary to carry into effect the provisions of sections eighty, eighty-one, eighty-two, eighty-three and eighty-four of this act and the proper officers charged with the duty of making the budget of any such city shall annually include therein such sum or sums of money as may be necessary for that pur-

pose. Moneys actually laid out and expended by any such post for the relief specified in section eighty of this act shall be reimbursed quarterly to such post by the comptroller on vouchers duly verified by the commander and quartermaster of said post, showing the date and amount of each payment, the certificate of the post relief committee, signed by at least three members, none of whom shall have received any of the relief granted by the post for which reimbursement is asked, showing that the person relieved was an actual resident of such city, and that they recommended each payment, and the receipt of the recipient for each payment, or in case such receipt could not be obtained, a statement of such fact, with the reason why such receipt could not be obtained. Such vouchers shall be made in duplicate on blanks to be supplied by the comptroller and shall be presented to the commissioner of charities for the borough in which the headquarters of the post is situated, and if such commissioner is satisfied that such moneys have been actually expended as in said voucher stated, he shall approve the same, and file one of said duplicates in his office and forward the other to the comptroller, who shall pay the same by a warrant drawn to the order of the said commander. And provided further, that in any city, county or borough in which Grand Army posts have organized or may organize a memorial and executive committee, the latter shall be regarded as a post of the Grand Army of the Republic. And the chairman, treasurer or almoner and bureau of relief or relief committee referred to, shall exercise the same privileges and powers as the commander, quartermaster and relief committee of a post, on complying with the requirements of this and the preceding section. Wilful false swearing to such voucher shall be deemed perjury and shall be punishable as such.

Within thirty days after the passage of this act, any memorial and executive committee in any city, county or borough may file with the proper officers the notice mentioned in the preceding section and such officers are hereby empowered and it is hereby made their duty to estimate for, provide and raise, in the same manner as other local expenditures are estimated for, provided and raised, such sum or sums of money as may be necessary to carry into effect the provisions of this act during the year

eighteen hundred and ninety-nine, and such bureau of relief or relief committee shall be reimbursed for moneys expended by it upon compliance with the terms of this act. (*As amended by chapter 462 of the Laws of 1899.*)

A claim for relief, furnished to an indigent soldier, upon the recommendation of the relief committee of a Grand Army post, and the order of the officer of such post, was properly disallowed by the board of town auditors, where the alleged relief was furnished by two members of such relief committee. *Supreme Court, October, 1895, People ex rel. Hovey v. Leavenworth*, 90 Hun, 48; s. c. 69 St. Rep. 853.

§ 82. Poor and indigent soldiers, et cetera, without families.—Poor or indigent soldiers, sailors or marines provided for in this article, who are not insane, and who have no families or friends with whom they may be domiciled, may be sent to a soldiers' home. Any poor or indigent soldier, sailor or marine provided for in this chapter, or any member of the family of any living or deceased soldier, sailor or marine, who may be insane, shall, upon recommendation of the commander and relief committee of such post of the Grand Army of the Republic, within the jurisdiction of which the case may occur, be sent to the proper state hospital for the insane.

§ 83. Burial of soldiers, sailors or marines.—The board of supervisors in each of the counties shall designate some proper person or authority, other than that designated for the care of poor persons, or the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor or marine, who has served in the military or naval service of the United States, or the body of the wife or widow of any soldier, sailor or marine, married to him previous to eighteen hundred and ninety, who shall die such widow, and who shall hereafter die without leaving means sufficient to defray his or her funeral expenses, but such expenses shall in no case exceed thirty-five dollars. If the deceased has relatives or friends who desire to conduct the burial, but are unable or unwilling to pay the charges therefor, such sum shall be paid by the county treasurer, upon due proof of the claim, and of the death and burial of the soldier, sailor or marine, or of the wife or widow of such soldier, sailor or marine to the person so conducting such burial. Such interment shall not be made in a cemetery

or cemetery plot used exclusively for the burial of poor persons deceased. (*As amended by chapter 24 of the Laws of 1900; and chapter 96 of the Laws of 1903.*)

§ 84. Headstones to be provided.—The grave of any such deceased soldier, sailor or marine shall be marked by a headstone containing the name of the deceased, and, if possible, the organization to which he belonged, or in which he served; such headstone shall cost not more than fifteen dollars, and shall be of such design and material as shall be approved by the board of supervisors, and the expense of such burial and headstone as provided for in this article, shall be a charge upon, and shall be paid by the county in which the said soldier, sailor or marine shall have died; and the board of supervisors of such county is hereby authorized and directed to audit the account and pay the expense of such burial in the same manner as other accounts against said county are audited and paid; provided, however, that in case such deceased soldier, sailor or marine shall be at the time of his death an inmate of any state institution, including state hospitals and soldiers' homes, or any institution supported by the state and supported at public expense therein, the expense of such burials and headstones shall be a charge upon the county of his legal residence.

ARTICLE VI.

STATE POOR.

Section 90. Who are state poor, and how relieved.

91. Notice to be given to county clerks of location of state almshouse.
92. State poor to be conveyed to state almshouses.
93. Punishment for leaving almshouse.
94. Expenses for support.
95. Duties of keeper; superintendent of state and alien poor to keep record of names.
96. Visitation of almshouses.
97. Insane poor.
98. Care of and binding out of state poor children.
99. Transfer to other states or countries.
100. Power of superintendent of state and alien poor.
101. Indian poor persons; removal to county almshouses.

Section 102. Contracts for support of Indian poor persons.

103. Expenses for support of Indian poor persons.

104. Duty of keepers; superintendent of state and alien poor to keep record.

§ 90. Who are state poor and how relieved.—Any poor person who shall not have resided sixty days in any county in this state within one year preceding the time of an application by him for aid to any superintendent or overseer of the poor, or other officer charged with the support and relief of poor persons, shall be deemed to be a state poor person, and shall be maintained as in this article provided. The state board of charities shall, from time to time, on behalf of the state, contract for such time, and on such terms as it may deem proper, with the authorities of not more than fifteen counties or cities of this state, for the reception and support, in the almshouses of such counties or cities respectively, of such poor persons as may be committed thereto. Such board may establish rules and regulations for the discipline, employment, treatment and care of such poor persons, and for their discharge. Every such contract shall be in writing, and filed in the office of such board. Such almshouses, while used for the purposes of this article, shall be appropriately designated by such board and known as state almshouses. Such board may, from time to time, direct the transfer of any such poor person from one almshouse to another, and may give notice from time to time to counties, to which almshouses they shall send poor persons.

§ 91. Notice to be given to county clerks of location of state almshouses.—Such board shall give notice to the county clerks of the several counties of the location of each of such almshouses, who thereupon shall cause such notice to be duly promulgated to the superintendents and overseers of the poor, and other officers charged with the support and relief of poor persons in their respective counties. A circular from the superintendent of state and alien poor appointed by such board shall accompany such notice, giving all necessary information respecting the commitment, support and care of the state poor in such almshouses, according to the provisions of this article.

§ 92. State poor to be conveyed to state almshouses.—County superintendents of the poor, or officers exercising like powers, on

satisfactory proof being made that the person so applying for relief as a state poor person, as defined by this chapter, is such poor person, shall, by a warrant issued to any proper person or officer, cause such person, if not a child under sixteen years of age, to be conveyed to the nearest state almshouse, where he shall be maintained until duly discharged, but a child under two years of age may be sent with its mother, who is a state poor person, to such state almshouse, but not longer than until it is two years of age. All testimony taken in any such proceeding shall be forwarded, within five days thereafter, to the superintendent of state and alien poor, and a verified statement of the expenses incurred by the person in making such removal, shall be sent to such superintendent. Such board shall examine and audit the same, and allow the whole, or such parts thereof, as have been actually and necessarily incurred; provided that no allowance shall be made to any person for his time or service in making such removal. All such accounts for expense, when so audited and allowed, shall be paid by the state treasurer, on the warrant of the comptroller, to the person incurring the same.

§ 93. Punishment for leaving almshouse.—An inmate of a state almshouse, who shall leave the same without being duly discharged, and within one year thereafter is found in any city or town of this state soliciting public or private aid, shall be punished by confinement in the county jail of the county in which he is so found, or in any workhouse of this state in such county, for a term not exceeding three months, by any court of competent jurisdiction; and it shall be the duty of every superintendent and overseer of the poor and other officers charged with the support and relief of poor persons, to cause, as far as may be, the provisions of this section to be enforced.

§ 94. Expenses for support.—The expenses for the support, treatment and care of all poor persons who shall be sent as state poor to such almshouses, shall be paid quarterly, on the first day of January, April, July and October in each year, to the treasurer of the county, or proper city officers incurring the same, by the treasurer of the state, on the warrant of the comptroller; but no such expenses shall be paid to any county or city, until an account of the number of persons thus supported, and the time that each

shall have been respectively maintained, shall have been rendered in due form and approved by the state board of charities.

§ 95. Duty of keepers; superintendent of state and alien poor to keep record of names.—The keeper or principal officer in charge of such almshouse shall enter the names of all persons received by him pursuant to this article, with such particulars in reference to each as the board, from time to time may prescribe, together with the name of the superintendent by whom the commitment was made, in a book to be kept for that purpose. Within three days after the admission of any such person, such keeper or principal officer shall transmit the name of such person, with the particulars hereinbefore mentioned, to the superintendent of state and alien poor; and notice of the death, discharge or absconding of any such person shall in like manner and within the time above named, be thus sent to such superintendent. Such superintendent shall cause the names of such persons in each such almshouse furnished as above provided for, to be entered in a book to be kept for that purpose in the office of such board, and he shall verify the correctness thereof by comparison with the books kept in such almshouse, and by personal examination of the several inmates thereof, and in any other manner the board may from time to time direct; and he shall furnish the board, in tabulated statements, on or before the second Tuesday in January, annually, the number of inmates maintained in each and all of such almshouses during the preceding year, the number discharged, transferred to other institutions, bound out or removed from the state, and the number who died or left without permission during the year, with such other particulars and information as the board may require.

§ 96. Visitation of almshouses.—The superintendent of state and alien poor shall visit and inspect each of such almshouses at least once in each three months, and at such other times as he may deem expedient, or as the board may direct. And he shall also visit and inspect all almshouses in which are Indians who are poor persons at least once a year. For the purposes of all such inspections, the superintendent shall possess all the powers of a member of the board and the further powers hereinafter mentioned. The officer in charge of each and every almshouse shall give to such superintendent free access to all parts of the grounds,

buildings, hospitals and other arrangements connected therewith, and to every inmate thereof, and extend to him the same facilities for the inspection of such almshouse and its inmates, as is required by law to be extended to such board of commissioners; and, in default thereof, such officer shall be subject to the same penalty as if access were denied to any member of the board. Such board shall also cause each of such almshouses to be visited periodically by some of its members, who shall examine into their condition and management, respectively, and make such report thereof to the board as may be deemed proper.

§ 97. Insane poor.—If any inmate of any such almshouse becomes insane, such superintendent of state and alien poor shall cause his removal to the appropriate state hospital for the insane, and he shall be received by the officer in charge of such hospital, and be maintained therein until duly discharged.

§ 98. Care and binding out of state poor children.—Such superintendent of state and alien poor shall cause the state poor children, under sixteen years of age, unless committed with the mother as hereinbefore provided by this chapter, to be maintained and cared for at such orphan asylums in this state as he may deem proper; and the expenses thereof shall be paid by the state treasurer on the certificate of such superintendent and the warrant of the comptroller. Such superintendent, in his discretion, may bind out a state poor orphan or indigent child which may be committed to any such state almshouse, or placed in any orphan asylum, if a male child under twenty-one years, if a female under the age of eighteen, to be clerks, apprentices or servants until such child, if a male, be twenty-one years old, or if a female, shall be eighteen years old, which binding shall be as effectual as if such child had bound himself with the consent of his parents or other legal guardian.

§ 99. Transfer to other states or countries.—When any person becomes an inmate of any such almshouse, and expresses a preference to be sent to any state or country where he may have a legal settlement, or friends willing to support him or to aid in supporting him, the superintendent of state and alien poor may cause his removal to such state or country, provided, in the judgment of the superintendent, the interest of the state and the welfare of such poor person will be thereby promoted.

§ 100. Powers of superintendent of state and alien poor.—The superintendent of state and alien poor shall possess and exercise the like powers, and be subject to the like duties as to the state poor as superintendents of the poor exercise and are subject to in the care and support of county poor. In the absence or illness of the superintendent such powers and duties may be performed and discharged by any person appointed by the state board of charities for such purpose.

§ 101. Indian poor persons; removal to county almshouse.—Every Indian residing within this state or upon any of the Indian reservations of this state, who is a poor person within the meaning of this chapter, shall be maintained as provided in this article. Upon application being made by such Indian poor person to the superintendent of the poor of the county where such Indian resides, or to any other officer charged with the support and relief of the poor, and on satisfactory proof being made that such Indian is a poor person as defined in this chapter, such superintendent or other officer shall by warrant, cause such Indian to be conveyed to the almshouse of the county where such Indian resides where he shall be maintained at state expense. Immediately upon the removal of such Indian who is a poor person to such almshouse, all testimony taken and all facts relating thereto, together with a verified statement of the expenses incurred in making such removal, shall be transmitted to the state board of charities. Such board shall examine all matters relating thereto, and if satisfied that such removal was proper, and that the expenses thereof were actually and necessarily incurred, shall audit and allow the amount of such expenses, which when so audited and allowed, shall be paid by the state treasurer, on the warrant of the comptroller, to the person incurring the same.

If, however, it shall appear to the satisfaction of such superintendent that the Indian poor person making application for relief is in such physical condition as to make it improper to remove him to the almshouse, the superintendent may, subject to such rules and regulations as may be prescribed by the state board of charities, provide for the care and support of such Indian poor person, without removing him to the almshouse, and the expenses incurred in such care and support shall be paid by the state treasurer on the warrant of the comptroller, upon the order and

allowance thereof by the state board of charities as in cases of support of Indian poor persons in almshouses.

§ 102. Contracts for support of Indian poor persons.—The state board of charities, shall from time to time, on behalf of the state, contract with the proper officers of the county within which such Indians who are poor persons reside, on such terms and for such times as it may deem proper, for the reception and support in the almshouse of such counties of such Indians who are poor persons as may be committed thereto. Such board may establish rules and regulations for the discipline, treatment and care of such Indians and provide for their discharge. Every such contract shall be in writing and filed in the office of such board.

§ 103. Expenses for support of Indian poor persons.—The expenses for the support, treatment and care of all Indians who are poor persons and shall be sent to such county almshouse pursuant to this chapter, shall be paid quarterly on the 1st day of January, April, July and October in each year, to the treasurer of the county wherein such Indians are supported, by the state treasurer, on the warrant of the comptroller, but no such expenses shall be paid until an account of the number of Indians thus supported, and the time that each shall have been respectively maintained shall have been rendered in due form and approved by the state board of charities.

§ 104. Duty of keepers; superintendent of state and alien poor to keep record.—The keeper or principal officer in charge of such almshouse shall enter the names of all Indians committed thereto, with such particulars in relation thereto as the state board of charities may prescribe. Immediately upon the admission of any such Indian, such keeper or principal officer shall transmit by mail the names of such Indians, with the particulars hereinbefore mentioned, to the superintendent of state and alien poor; and notice of the death, discharge or absconding of any such Indian shall in like manner be transmitted to such superintendent. Such superintendent shall cause the names of such Indians in such county almshouse to be entered in a book to be kept for that purpose in the office of such board, and he shall verify the correctness thereof by comparison with the books kept in the almshouse by personal examination of such Indians or in such other manner as the board may direct; and he shall furnish the board in tabu-

lated statements, annually on or before the second Tuesday in January, the number of Indians maintained in all such county almshouses during the preceding year, the number discharged, bound out, removed from the state, and the number who died or left without permission during the year, with such other information as the board may require.

ARTICLE VII.

DUTIES OF STATE BOARD OF CHARITIES; POWERS OF STATE CHARITIES AID ASSOCIATION.

Section 115. Duties of State Board of Charities relating to the poor.

116. Visitation and inspection of almshouses.

117. Investigations by board or committee; orders thereon.

118. Almshouse construction and administration.

119. Duties of the attorney-general and district attorneys.

120. State, nonresident and alien poor.

121. Visits by the State Charities Aid Association.

Section 115. Duties of the State Board of Charities relating to the poor.—The State Board of Charities shall:

1. Investigate the condition of the poor seeking public aid and devise measures for their relief.

2. Administer the laws providing for the care, support and removal of state and alien poor and the support of Indian poor persons.

3. Advise the officers of almshouses in the performance of their official duties.

4. Collect statistical information in respect to the property, receipts and expenditures of all almshouses, and the number and condition of the inmates thereof.

§ 116. Visitation and inspection of almshouses.—Any commissioner or officer of the State Board of Charities, or any inspector duly appointed by it for that purpose, may visit and inspect any almshouse in this state. On such visits inquiry shall be made to ascertain:

1. Whether the rules and regulations of the board, in respect to such almshouse, are fully complied with.

2. Its methods of industrial, educational and moral training, if any, and whether the same are best adapted to the needs of its inmates.

3. The condition of its finances generally.

4. The methods of government and discipline of its inmates.

5. The qualifications and general conduct of its officers and employes.

6. The condition of its grounds, buildings and other property.

7. Any other matter connected with, or pertinent to, its usefulness and good management.

Any commissioner or officer of the board, or inspector duly appointed by it, shall have free access to the grounds, buildings, books and papers relating to such almshouse, and may require from the officers and persons in charge, any information it may deem necessary. Such board may prepare regulations according to *age, and provide blanks and forms upon which such information shall be furnished, in a clear uniform and prompt manner for the use of the board; any such officer or inspector who shall divulge or communicate to any person without the knowledge and consent of such board, any facts or information obtained in pursuance of the provisions of this chapter, shall be guilty of a misdemeanor, and shall at once be removed from office. The annual reports of each year shall give the results of such inquiry, with the opinion and conclusions of the board relating to the same. Any officer, superintendent or employe of any such almshouse who shall wilfully refuse to admit any member, officer or inspector of the board, for the purpose of visitation and inspection, and who shall refuse or neglect to furnish the opinion required by the board, or any of its members, officers or inspectors, shall be guilty of a misdemeanor, and subject to a fine of one hundred dollars for each such refusal or neglect. The rights and powers hereby conferred may be enforced by an order of the supreme court after such notice as the court may prescribe, and an opportunity to be heard thereon, or by indictment by the grand jury of the county, or both.

§ 117. Investigations by board of committee; orders thereon.—The board may, by order, direct an investigation by a committee of one or more of its members, of the officers and managers

of any almshouse, or of the conduct of its officers and employes; and the commissioner or commissioners so designated to make such investigation may issue compulsory process for the attendance of witnesses and the production of books and papers, administer oaths, examine persons under oath, and exercise the same powers in respect to such proceedings as belong to referees appointed by the supreme court.

If it shall appear, after such investigation, that the inmates of the almshouse are cruelly, negligently or improperly treated, or inadequate provision is made for their sustenance, clothing, care and supervision, or other condition necessary to their comfort and well being, such board may issue an order in the name of the people, and under its official seal, directed to the proper officer of such almshouse, requiring him to modify such treatment or apply such remedy, or both, as shall therein be specified. Before such order is issued it must be approved by a justice of the supreme court, after such notice as he may subscribe, and an opportunity to be heard thereon, and any person to whom such an order is directed who shall wilfully refuse to obey the same shall, upon conviction, be deemed guilty of a misdemeanor.

§ 118. Almshouse construction and administration. — No almshouse shall be built or reconstructed, in whole or in part, except on plans and designs approved in writing by the state board of charities. It shall be the duty of such board to call the attention, in writing or otherwise, of the board of supervisors and the superintendent of the poor, or other proper officer, in any county, of any abuses, defects or evils, which, on inspection, it may find in the almshouse of such county, or in the administration thereof, and such county officer shall take proper action thereon, with a view to proper remedies, in accordance with the advice of such board.

§ 119. Duties of the attorney-general and district attorneys.—If, in the opinion of the state board of charities, or any three members thereof, any matter in regard to the management or affairs of any such almshouse, or any inmate or person in any way connected therewith, require legal investigation or action of any kind, notice thereof may be given by the board, or any three members thereof, to the attorney-general, who shall thereupon make inquiry and take such proceedings in the premises as he

may deem necessary and proper. It shall be the duty of the attorney-general and of every district attorney when so required to furnish such legal assistance, counsel or advice as the board may require in the discharge of its duties under this chapter.

§ 120. State, nonresident and alien poor.—The state board of charities, and any of its members or officers, may, at any time, visit and inspect any almshouse to ascertain if any inmates are state charges, nonresidents, or alien poor; and it may cause to be removed to the state or country from which he came, any such nonresident or alien poor found in any such almshouse.

§ 121. Visit by the State Charities Aid Association.—Any justice of the supreme court, on written application of the state charities aid association, through its president or other officer designated by its board of managers, may grant to such persons as may be named in such application, orders to enable such persons, or any of them, as visitors of such association, to visit, inspect and examine, in behalf of such association, any almshouse within the state. The person so appointed to visit, inspect and examine such almshouse and almshouses, shall reside in the county or counties from which such almshouse or almshouses receive their or some of their inmates, and such appointment shall be made by a justice of the supreme court of the judicial district in which such visitors reside. Each order shall specify the almshouse to be visited, inspected and examined, and the name of each person by whom such visitation, inspection and examination shall be made, and shall be in force for one year from the date on which it shall have been granted, unless sooner revoked.

All persons in charge of any such almshouse shall admit each person named in any such order into every part of such almshouse, and render to such person every possible facility to enable him to make in a thorough manner such visit, inspection and examination, which are hereby declared to be for a public purpose and to be made with a view to public benefit. Obedience to the orders herein authorized shall be enforced in the same manner as obedience is enforced to an order or mandate of a court of record.

Such association shall make an annual report to the state board of charities upon matters relating to the almshouse sub-

ject to its visitation. Such reports shall be made on or before the first day of November for each preceding fiscal year.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

Section 130. Superintendents and overseers may redeem on sheriff's sale.

131. Redemption, how made.
132. Moneys therefor, and how paid.
133. When warrant of seizure may be discharged.
134. Boards of supervisors may abolish or revive distinction between town and county poor.
135. Overseers, when to pay money to county treasurer.
136. Invested town money.
137. Report by supervisors.
138. Register of sex and age.
139. Care of poor persons not to be put up at auction.
140. Reports of certain other officers.
141. Almshouse commissioners to report.
- 141-a. Reports with relation to children placed in family homes.
142. Report of state board of charities.
143. Supervisors may accept deed or conveyance.

Section 130. Superintendents and overseers may redeem on sheriff's sale.—County superintendents and overseers of the poor may redeem real property, which may have been seized by them pursuant to sections nine hundred and twenty-one to nine hundred and twenty-six of the code of criminal procedure, the same as judgment-creditors under sections fourteen hundred and thirty to fourteen hundred and seventy-eight of the code of civil procedure. No such redemption shall be made, unless at the time of such redemption the seizure of the property sought to be redeemed, shall have been confirmed by the county court of the county where the premises may be situated, nor unless such property shall, at the time of making such redemption, be held by the superintendents or overseers, under and by virtue of such seizure.

§ 131. Redemption, how made.—To entitle such superintendents or overseers to acquire the title of the original purchaser,

or to be substituted as purchaser from any other creditor, they shall present to and leave with such purchaser or creditor, or the officer who made the sale, the following evidence of their right:

1. A copy of the order of the county court, confirming the warrant and seizure of such property, duly verified by the clerk of the court:

2. An affidavit of one of the superintendents or overseers that such property is held by them under such warrant and seizure, and that the same have not been discharged, but are then in full force.

§ 132. Moneys, therefor, and how paid.—The superintendents or overseers of the poor may, for the purpose of making such redemption, use any moneys in their hands belonging to the poor funds of their respective towns or counties, which moneys shall be replaced, together with the interest thereon, out of the first moneys which may be received by them from the rent or sale of the premises so redeemed.

§ 133. When warrant of seizure may be discharged.—If such redemption shall be made, and the person against whom the warrant was issued and seizure made shall apply to have the warrant discharged, he shall, before such warrant and seizure are discharged, in addition to the security required to be given by section nine hundred and twenty-four of the code of criminal procedure, pay to such superintendents or overseers the sum paid by them to redeem such property, together with interest thereon, from the time of such redemption.

§ 134. Boards of supervisors may abolish or revive distinction between town and county poor.—The board of supervisors of any county may, at an annual meeting or at a special meeting called for that purpose, by resolution, abolish or revive the distinction between town and county poor of such county, by a vote of two-thirds of all the members elected to such board, and until such abolition or revival, such county, or the towns therein, shall continue to maintain and support their poor as at the time when this chapter shall take effect. The clerk of the board shall, within thirty days after such determination, serve, or cause to be served, a copy of the resolution upon the clerk of each town, village or city within such county, and upon each of the superintendents and overseers of the poor therein. Upon

filing such determination to abolish the distinction between town and county poor, duly certified by the clerk of the board, in the office of the county clerk, the poor of the county shall thereafter be maintained, and the expense thereof defrayed, by the county; and all costs and charges attending the examinations, conveyance, support and necessary expenses of poor persons therein, shall be a charge upon the county. Such charges and expenses shall be reported by the superintendent of the poor, to the board of supervisors, and shall be assessed, levied and collected the same as other county charges.

In order to render the expense of maintaining all the poor of the county a county charge pursuant to the above section, the board of supervisors must not only determine to abolish the distinction between county and town poor, but must file such determination with the county clerk. Until such determination be filed, the duties of the officers arising out of such change in the poor system do not attach. The service of the resolution of the board of supervisors on the town clerks is not essential to effect a change of system; the provision respecting such service is only directory. *Supreme Court, January, 1846, Thompson v. Smith, 2 Den. 177.*

In order to abolish the distinction between town and county poor, in a particular county, a resolution to that effect must be passed by the board of supervisors, and the same must be filed in the county clerk's office. *Supreme Court, January, 1854, Baldwin v. McArthur, 17 Barb. 414.*

The town is charged with the support of the poor, when there is no action taken by the supervisors to abolish the distinction between town and county poor, and a city stands under the poor laws in place of the town. *Supreme Court, May, 1888, Nuns of St. Dominic v. Long Island City, 48 Hun. 306.*

The act of 1882, ch. 28, making the town of Oswegatchie a separate and distinct poor district, did not operate as a repeal of the privilege extended to the supervisors of St. Lawrence county by the act of 1846, ch. 245, to adopt the "Livingston County Act" chap. 334, of 1845. Court of Appeals, November, 1886, *People v. Supervisors of St. Lawrence, 103 N. Y. 541.*

§ 135. Overseers, when to pay money to county treasurer.—Within three months after notice shall have been served upon the overseers of the poor, that the distinction between town and county poor has been abolished, they shall pay over all moneys which shall remain in their hands as overseers for the use of their town, after discharging all demands against them, to the county treasurer, to be applied by him toward the future taxes of such town; and all moneys thereafter received by them, as such overseers, for the use of the poor of their town, shall be paid by them to the county treasurer within three months after

receiving the same, and by him credited to the town whose overseer shall have paid the same. It shall be the duty of all officers or persons to pay to the county treasurer all moneys which shall be received for, or owing by them to the overseers of the poor of any such town, for the use of the poor thereof, pursuant to any law or obligation requiring the same to be paid to such overseers, and credited by such county treasurer to the town for whose use such moneys were received or owing. Any overseer or other person having received or owing such moneys, who shall neglect or refuse to pay the same within thirty days after demand thereof, shall be liable to an action therefor, with interest at the rate of ten per cent thereon, by such county treasurer, in the name of his county.

In counties where the poor are a county and not a town charge, money paid for either the permanent or temporary support of a pauper is the money of the county, and not of the town. Hence the town can have no right to recover it back from a person alleged to have obtained it fraudulently. *Supreme Court, April, 1867, Robins v. Woolcott, 66 Barb. 63.*

§ 136. Invested town money.—When any town shall have any moneys raised for the support of the poor, invested in the name of the overseers of the poor of such town, such overseers shall continue to have the control thereof, and shall apply the interest arising therefrom to the support of the poor of their town, so long as such town shall be liable to support its own poor, but when relieved from such liability by a vote of the supervisors of the county, the money so raised and invested shall be applied to the payment of such taxes upon the town, as the inhabitants thereof shall at an annual town meeting, or a special town meeting called for that purpose determine.

§ 137. Report by supervisors.—The supervisor of every town in counties where all the poor are not a county charge, shall report to the clerk of the board of supervisors, within fifteen days after the accounts of the overseers of the poor have been settled by the town board at its first annual meeting in each year, an abstract of all such accounts, which shall exhibit the number of poor persons that have been relieved or supported in such town the preceding year, specifying the number of county poor, and town poor, the whole expense of such support, the allowance made to overseers, justices, constables or other officers, which

shall not comprise any part of the actual expenses of maintaining the poor.

§ 138. Register of sex and age.—In addition to the general register of the inmates of the various almshouses, there shall be kept a record of the sex, age, birthplace, birth of parents, education, habits, occupation, condition of ancestors and family relations, and cause of dependence of each person at the time of admission, with such other facts and particulars in relation thereto as may be required by the state board of charities, upon forms prescribed and furnished by such board. Superintendents and overseers of the poor, and other officers charged with the relief and support of poor persons, shall furnish to the keepers or other officers in charge of such almshouses, as full information as practicable in relation to each person sent or brought by them to such almshouse, and such keepers or other officers, shall record the information ascertained at the time of the admission of such person, on the forms so furnished. All such records shall be preserved in such almshouses, and the keepers and other officers in charge thereof shall make copies of the same on the first day of each month, and immediately forward such copies to the state board of charities.

§ 139. Care of poor persons not to be put up at auction.—No officer or persons whose duty it may be to provide for the maintenance, care or support of poor persons at public expense, shall put up at auction or sale, the keeping, care or maintenance of any such poor person to the lowest bidder, and every contract which may be entered into in violation of this provision shall be void.

§ 140. Reports of certain other officers.—The provisions of this chapter, relating to reports by superintendents of the poor, to the state board of charities, and the penalties applicable thereto, are hereby extended to, and made applicable to the commissioners of public charities for the city and county of New York, the superintendent of the almshouse of the county of Albany, the keeper of the almshouse of the county of Putnam, the commissioners of the almshouse elected in the cities of Newburgh and Poughkeepsie, and all poor officials elected or appointed in other cities of this state, under general or special acts of the legislature.

§ 141. Almshouse commissioners to report.—The commissioners of the almshouse of the cities of Newburgh and Poughkeepsie, and the poor officers of other cities chosen under special acts of the legislature, shall annually, on the first day of December, report to the superintendent of the poor of their respective counties such statistics as, from time to time, may be required to be reported in the other cities and towns under the provisions of this chapter.

§ 141-a. Reports with relation to children placed in family homes.—The superintendents of the poor of counties, the overseers of the poor of cities and towns and all other public officers by whatsoever name or title known who are authorized by law to place out dependent children in family homes by adoption, indenture or otherwise, are hereby required to report to the state board of charities on blanks provided by such board, the particulars with relation to each child so placed out. Such report shall state the name, age and sex of the child so placed out, together with the father's full name and residence, the mother's full name and residence, and the religious faith of the parents. The report shall also state the full names and residence of the heads of the family with whom such child is placed, their relationship to the child, if any, the religious faith of the heads of such family, and their occupation or occupations, together with such further information as the state board of charities may require on the blanks provided. Such reports for the preceding month shall be filed with the state board of charities on or before the tenth day of each month. (*Added by chapter 273 of the Laws of 1905.*)

§ 142. Report of state board of charities.—The state board of charities shall include in its annual report to the legislature the results of the information obtained from the reports to be made to it as herein provided. It shall also, from time to time, furnish to the officials so required to report it, necessary forms, blanks and instructions required in making up such reports.

§ 143. The supervisor of a town may as such official accept a deed or conveyance of real property or mortgage thereon in behalf of the town, and sell and convey such real property or mortgage the same after the expiration of one year from the date of such conveyance or mortgage for the care and mainte-

nance of a poor person. No such deed or conveyance shall be accepted by him, unless by the written consent of the town board given at any regular meeting thereof. Such consent shall be filed in the office of the town clerk. The person or persons giving such deed or mortgage may within one year from the date of such conveyance or mortgage secure a conveyance or cancellation of said deed or mortgage upon payment to said supervisor of the expense incurred by such town for taxes and necessary repairs on said property and also in maintaining such person or persons. (*Added by chapter 117 of the Laws of 1902.*)

A bequest to a town in trust in perpetuity for the benefit of the poor of the town generally, not confined to those for whose support the town is under statutory liability, is invalid for want of an ascertained beneficiary. *Court of Appeals, February, 1891, Fosdick v. Hempstead*, 125 N. Y. 581; s. c. 35 St. Rep. 863; reversing s. c. 29 St. Rep. 545; 8 N. Y. Supp. 772; see s. c. 126 N. Y. 651.

ARTICLE IX.

LAWS REPEALED; WHEN TO TAKE EFFECT.

Section 150. Laws repealed.

151. When to take effect.

Section 150. Laws repealed.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

§ 151. When to take effect.—This chapter shall take effect on the first day of October, eighteen hundred and ninety-six.

SCHEDULE OF LAWS REPEALED.

Revised Statutes, part I, ch. 20, tit. I..... All.

Revised Statutes, part I, ch. 20, tit. VI..... All.

Laws of—	Chapter.	Sections.
1828.....	6.....	All.
1830.....	320.....	8, 9.
1831.....	277.....	All.
1832.....	26.....	All.
1834.....	236.....	All.
1838.....	202.....	All.
1842.....	214.....	All.
1845.....	334.....	All.
1846.....	245.....	All.

Laws of—	Chapter.	Sections.
1848.....	176.....	All.
1849.....	100.....	All.
1851.....	532.....	All.
1853.....	70.....	All.
1854.....	188.....	All.
1855.....	269.....	All.
1862.....	473.....	All.
1870.....	424.....	All.
1872.....	38.....	All.
1872.....	48.....	All.
1873.....	661.....	All.
1874.....	464.....	All.
1875.....	140.....	All.
1875.....	173.....	All.
1875.....	308.....	All.
1876.....	266.....	All.
1878.....	404.....	All.
1879.....	240.....	All.
1881.....	203.....	All.
1881.....	398.....	All.
1881.....	574.....	All.
1883.....	247.....	All.
1884.....	319.....	All.
1885.....	34.....	All.
1885.....	546.....	All.
1887.....	216.....	All.
1887.....	655.....	All.
1887.....	706.....	All.
1888.....	261.....	All.
1888.....	486.....	All.
1890.....	420.....	All.
1892.....	698.....	All.
1893.....	42.....	All.
1894.....	436.....	All.
1894.....	663.....	All.
1895.....	783.....	All.

**SPECIAL STATUTES RELATING TO THE CARE OF
THE POOR IN CERTAIN COUNTIES OF NEW YORK
STATE.**

ALBANY COUNTY.

AN ACT to provide for the care, transportation and commitment, and the payment therefor, of lunatics, idiots, persons of unsound mind, deaf-mutes, orphans and paupers, the expense of whose maintenance and transportation is a charge upon the county of Albany, and to define the duties of the superintendent of the almshouse in the city of Albany.

Chapter 354. Laws of 1884.

Section 1. It shall be the duty of the overseers of the poor of the several towns in the county of Albany, of the village of West Troy, and of the city of Cohoes and of the city of Albany, whenever any lunatic, idiot, person of unsound mind, deaf-mute, or pauper within the jurisdiction of such officers respectively shall be or become by law chargeable to the county of Albany and shall be lawfully committed to the almshouse or any asylum or other place provided for the safe keeping of such persons, to transport such persons (subject, in case of their sickness, lameness or other disability, to the provisions of section forty-two of title one of chapter twenty of part one of the Revised Statutes of this state) to the city of Albany, and deliver him or her to the superintendent of the almshouse in the said city, as hereinafter provided for. Whenever notified by any such overseer that any such person has or is about to arrive by any public conveyance at any place in the city of Albany, and whenever notified by the overseer of the poor of the city of Albany that any such person is within the said city it shall be the duty of the said superintendent to send for and cause such person to be transported to the almshouse in said city, or to the asylum or other place where he is lawfully committed, in a proper conveyance to be kept at such almshouse for that purpose.

§ 2. Whenever any child shall be or become in danger of becoming a charge upon the county of Albany, it shall be the duty

of the overseer of the poor having jurisdiction in the place of the residence for the time being of such child, to take such child before some magistrate, who shall examine such child and shall cause to appear before him and shall examine such other persons under oath as shall be acquainted with the parentage, condition and circumstances of such child, and shall ascertain among other things the full name, and the residence by town, village or city, and by road, street or street number if possible, of such child, his or her age, nationality, color and sex, the name of its father, his occupation or employment, and whether he be living or not, and if dead, the date of his death; the name of its mother and whether living or not and if dead the date of her death, the last residence and nationality of said father and mother, and the length of their residences in this county, and the present residence of such child and the person with whom he or she resides, and whether any person is properly chargeable with the expense of its support, and the reasons, if any, why such child is and should be a charge upon the county of Albany, and shall reduce such examination to writing, and cause the same to be subscribed by the person examined. It shall be the duty of such overseer in case any person be properly chargeable with the support of such child, and able to support it, to take proceedings to compel such person to provide therefor. In case no such person be so chargeable with the support of such child, the said magistrate shall deliver such examination so had before him and reduce to writing as aforesaid to the said overseer of the poor, who shall transmit the same to the superintendent of the almshouse. If such superintendent shall find that the expense of the support of such child is a proper charge against the county of Albany, he shall transmit to said overseer (except to the overseer of the poor of the city of Albany), a commitment in writing, committing such child to the almshouse or to some incorporated institution specially authorized by law to receive orphan poor, or in any case may temporarily receive such such* child at the almshouse until a proper disposition can be made of it. The institution so to be selected shall, except under special and peculiar circumstances to be stated in the commitment, be one located in the county of Albany, and whenever practicable shall be one

* So in original,

governed or controlled by persons of the same religious faith as the parents of the child who may be committed thereto. If the child be over two years of age it shall not in any case be committed to the almshouse, nor shall any children committed to any asylum or other institution be transferred to any other asylum or institution without a written commitment to such other asylum or institution made by the superintendent of the almshouse. It shall be the duty of such overseer forthwith to transport such child to the almshouse or to such institution, and in the latter case to take from the proper authorities thereof a receipt in writing, stating the full name, sex and age, and date of receipt of such child. On presentation of such child at the almshouse or transmission of such receipt from such institution to the superintendent of the almshouse, he shall give or transmit to such overseer a receipt similar to the receipt mentioned in section three of this act, under which the said overseer shall be paid by the county treasurer of Albany county as hereinafter provided. All orders made by the superintendent of the almshouse for the commitment of orphan, destitute and dependent children to an orphan asylum, under the provisions of this act, shall lapse and become void on the first day of October next after the date on which they were issued, but the said superintendent may, within ten days next preceding the first day of October in any year, if on inquiry and investigation by him good and sufficient reasons therefor be found to exist, grant a new order of commitment authorizing the further detention and support of any such child in any orphan asylum for the period of one year from the expiration of his previous order.

§ 3. It shall be the duty of the said superintendent to give to the overseer of the poor for each person so received by him under section one of this act, and for each orphan committed under the provisions of section two of this act, a receipt stating the name of the said overseer, the name and last place of residence of the person received from such overseer or delivered by him at any asylum or other place, and the date of such receipt or delivery, and the number of miles properly traveled by any public conveyance, and the number of miles properly traveled by private conveyance by such overseer in bringing such person to the city of Albany, or to the asylum to which he or she is committed,

and the amount to which such overseer is entitled therefor at the rate of compensation therefor hereinafter stated. The said superintendent shall also in all cases make an entry of the aforesaid and of such other facts connected with the case as shall enable him to make the reports to the county treasurer and supervisors hereinafter mentioned, in a book or books of record to be kept by him for that purpose and which shall be and constitute public records.

§ 4. It shall be the duty of the county treasurer of the county of Albany to pay out of the county moneys in his hands, to the overseer of the poor, who shall present and file with him the aforesaid receipt of the superintendent of the almshouse, endorsed with a proper receipt subscribed by such overseer for the amount to be thus paid, and dated at the date of such payment the following sums and no other or different sums, to wit: For each mile traveled upon any public conveyance, the actual disbursements incurred in coming and returning, and for each mile necessarily traveled by any other mode of conveyance (other than the almshouse conveyance), where no mode of public conveyance exists, but not in any other case, the sum of fifty cents for each such mile, counting one way only, for the first ten miles, and for each mile in excess of such first ten miles, the sum of twenty-five cents per mile, counting one way only; and in addition, such overseer shall be paid for his services such per diem or other compensation by his town or city as he now may be by law entitled therefor. The overseer of the poor of the city of Albany shall not receive any compensation for any such services under this act. And any person mentioned in sections one and two of this act, who shall be or reside in the city of Albany, shall be transported and conveyed in accordance with the provisions of this act by the superintendent of the almshouse, and not by the overseer of the poor in said city.

The said county treasurer shall report to the board of supervisors of Albany county, at the opening of its annual session in each year, a statement in tabular form showing the facts stated in the receipts given by the said superintendent, and the dates of payment, and the payments thereunder up to November first, prior to such report.

§ 5. The superintendent of the almshouse to whom any such person mentioned in the first section of this act shall be so delivered, shall receive such person at the almshouse, and there safely keep him or her; and in a proper case where such commitment is authorized by law, may commit such person to any incorporated asylum authorized by law to receive such person, and shall cause such person to be taken to such asylum or other place, provided, however, and the said superintendent is hereby authorized and directed to exercise such reasonable discretion as to the time of transportation of such persons as shall enable him to collect together such reasonable number of such persons for transportation together, as shall lessen as much as possible the expense thereof. He shall also attend to the removal of lunatics, idiots, persons of unsound mind, and deaf-mutes from one asylum to another when such removal shall be authorized or required by law to be made. Hereafter no person being in indigent circumstances or a pauper shall be admitted to any hospital, asylum, institution, home or retreat in which the board, instruction, care, treatment or clothing of such person is a charge upon the county of Albany, except upon the written order or certificate of the superintendent of the almshouse, anything contained in any law of this state to the contrary notwithstanding.

§ 6. It shall be the duty of the superintendent to make diligent inquiry as to the antecedents and previous condition and residence of all persons delivered to him; and whenever it shall appear to said superintendent that any person sent to or confined in the almshouse in the city of Albany, or confined in any idiot, lunatic or orphan asylum at the expense of the county of Albany, is a state pauper or is properly chargeable to some county other than Albany county, it shall be the duty of the said superintendent, and he is hereby authorized and directed to adjudge such person to be a state pauper, or to take all proper proceedings to make his support chargeable to such other county.

§ 7. The said superintendent shall be allowed the sum of five hundred dollars each six months, beginning January first and July first in each year, for the payment of the services of the proper persons to transport the persons mentioned in sections

one and two of this act and to perform the clerical services hereby required, to be paid by the county treasurer of Albany county, on the requisition of such superintendent. The county treasurer shall also pay, on the requisition of such superintendent, not exceeding two hundred dollars for the purchase of a proper conveyance for the transportation of the said persons.

§ 8. The superintendent shall report on the first day of each February, May, August and November, in tabular form, to the county treasurer of Albany county, the name, sex, age, color and nationality of each lunatic, idiot, person of unsound mind, or deaf-mute received, or child committed by him under the provisions of this act, during the previous three months, the nature of the malady, if any, of such person, the overseer of the poor from whom such person was received, the place from which such person was brought, the date of such receipt, and the asylum or other place where such person is confined, and the disbursements, if any, attending the transportation of such person; and in the case of children committed to any asylum, the further facts shown by the examination before the magistrate mentioned in section two of this act. In addition to the above-mentioned report, the said superintendent, on the first day of November, in each year, shall make a similar tabular statement to the board of supervisors of Albany county, giving the names of all the persons confined at any time during such year, at whatever time they may have been committed, in which the names of the persons shall be placed under the names of the asylum or other places in which they shall be respectively confined; which statement shall contain all the matters and facts set forth in the aforesaid quarterly report; and, further, the date of the original commitment of such persons, the date of their discharge, if they be discharged during the year, and the length of time during the year that they have been confined, and the amount due to the institution or corporation in which they have been confined; which last-mentioned report of November first shall be filed with the clerk of the board of supervisors of Albany county, and be by him presented to said board at the opening of its then next annual session, and be printed in the proceedings thereof. The county treasurer shall examine, quarterly, an account of the dis-

bursements attending the transportation of the persons mentioned in section one of this act, which shall be made out in detail and verified by the superintendent of the almshouse in the form in which claims against the county of Albany, presented to the board of supervisors thereof, are required by law to be verified, and shall audit and allow the same at such sum as in his opinion shall be reasonable, and shall pay the amount so allowed by him from the county treasurer.

§ 9. It shall be the duty of all institutions and asylums receiving from Albany county any persons mentioned in sections one and two of this act to make report to the said superintendent, when required by him so to do, of any matters and facts relating to the confinement or condition of such persons. Any incorporated body in the county of Albany, over the management and affairs of which the state board of charities of the state of New York has jurisdiction and supervision, which shall have any claim against the county of Albany, for the board, support, maintenance or education of any child or children lawfully committed thereto, is hereby authorized to present to the county treasurer of Albany county a bill on the last day of each quarter for the amount of such claim during such quarter, in the same form and with the same verification as is required in the case of a like bill presented for audit to the board of supervisors of Albany county, and such bill, when duly certified to be correct by the superintendent of the almshouse of Albany county, shall be paid by the said county treasurer to the extent of seventy-five per centum of the amount so certified by said superintendent. The total amount of the claim against said county during each year must be presented to the board of supervisors for audit in the same manner as heretofore, and there must be credited upon such claim the payment or payments made as aforesaid. (*As amended by chapter 486 of the Laws of 1898.*)

§ 10. No person shall by a commitment to or residence in the almshouse, penitentiary or jail in the city of Albany gain a residence in the county of Albany, nor shall the time of his residence therein be considered in any case in determining his residence.

§ 11. Whenever it shall be made to appear or become known to any overseer of the poor or person charged with the duties of

overseer of the poor in any town, village or city in the county of Albany, or to the superintendent of the almshouse in the city of Albany, that any lunatic, idiot, person of unsound mind, deaf-mute, orphan or pauper, who is or has been supported or maintained, in whole or in part, by or at the expense of the county of Albany, is the owner or possessor of, or entitled to any property, right of action, claim or demand, or that such indigent person has died possessed thereof or entitled thereto, it shall be the duty of such superintendent of the almshouse, overseer of the poor, or other person, forthwith to notify in writing the county treasurer of the county of Albany of such fact.

And in such case such county treasurer shall take proceedings at law for the recovery of and shall be entitled to recover the amount theretofore expended by the county of Albany for or toward the support or maintenance of such lunatic, idiot, person of unsound mind, deaf-mute, orphan or pauper against the person, body or corporation having or holding, on behalf of such indigent person, such property, right of action, claim or demand, and to charge the same with and make suitable allowance and provision therefrom for the future support and maintenance of such indigent person. If, after inquiry, such county treasurer cannot find any person, body or corporation legally holding such property, right of action, claim or demand on behalf of such indigent person, it shall be his duty to present to a judge, or at a special term of the supreme court, a petition setting forth the facts, and thereupon, on notice to each indigent person and to any other person or persons, body or corporation, if any, as the judge or court shall order, to apply for and said court or judge is authorized to make an order directing said county treasurer to take into his custody and possession and hold any such property, right of action, claim or demand and any rents, income, interest or increase thereof, in trust for such indigent person, and to enforce in his name of office namely: "The county treasurer of the county of Albany——" his right to such custody and possession, and in like manner the amount due or secured to be paid by any such right of action, claim or demand as the same shall at any time or from time to time, mature and become due or payable. And the said county treasurer is hereby authorized and directed to take the same into his custody and possession,

and his receipt therefor shall be a sufficient discharge from liability to the party holding the same, and the judge or court may in such order or from time to time by any other or further order upon like notice direct that any money theretofore paid out by the county of Albany, for the maintenance or support of such indigent person, be repaid to the county out of his or her said property, and that proper provision for future support be made therefrom.

In case such indigent person shall die and no executor or administrator of his estate shall be appointed, the county treasurer of Albany county is authorized and directed to apply to the proper surrogate for letters of administration upon his or her estate, and shall be by said surrogate appointed; but no bond or obligation for the faithful performance of the duties of his trust shall be required of him. This section shall not apply to or affect the earnings, wages or salary of any such indigent person earned subsequent to the time that such indigent person ceases to be a charge upon such county.

If in any proceeding taken or had under this act, either or any party in interest shall demand a trial by jury of any issue or question involved, it shall be the duty of the judge or court to make an order directing that such issue or question be tried at the next circuit court of the supreme court held in his county and the same shall be there tried and disposed of and proper relief be there given. (*As amended by chapter 300 of the Laws of 1885; and chapter 387 of the Laws of 1886.*)

§ 12. It shall be the duty of the county treasurer of the county of Albany, to include in the county tax budget submitted by him each year to the board of supervisors of said county, and the duty of said board to levy by tax and collect from the taxable property of said county, and, when collected, the said county treasurer shall pay over to the overseer of the poor of each of the towns of Berne, Bethlehem, Coeymans, Guilderland, Knox, New Scotland, Rensselaerville, Westerlo, Colonie and Green Island, in the county of Albany, each year the sum of three hundred and ninety dollars to each, which sum shall be by said overseer expended in the relief of all persons whose care is chargeable to said county under the provisions of section twenty-three of chapter twenty-seven of the general laws, and the balance thereof shall be ex-

pending for the temporary relief of the poor of said town and shall be accounted for by the said overseer of the poor in like manner as he is now by law required to account for any temporary relief fund raised in said town. (*As amended by chapter 387 of the Laws of 1886; and chapter 708 of the Laws of 1897.*)

§ 13. (*Repealed by chapter 387 of the Laws of 1886.*)

§ 14. (*Repealed by chapter 387 of the Laws of 1886.*)

COLUMBIA COUNTY.

AN ACT relating to the superintendent of the poor of the county of Columbia, defining his powers and duties, and regulating the exercise thereof in certain cases.

Chapter 275, Laws of 1885.

Section 1. In the county of Columbia the superintendent of the poor, who is to be elected in November next, and thereafter, shall also be the keeper of the almshouse and asylum for the insane, and the salary of such superintendent as superintendent of the poor and keeper of the almshouse and asylum for the insane, including the pay of a clerk to be employed by such superintendent, shall be fixed by the board of supervisors at their regular annual meeting before the newly elected superintendent of the poor shall enter in and upon the duties of his office, at a sum not exceeding eighteen hundred dollars (\$1,800) per annum, for and during his term of office. Such salary, when so fixed and determined, shall be in full compensation to said superintendent for all services rendered and expenses incurred by him except those described in section three of this act, and excepting the use for himself and family of that part of the almshouse known as the keeper's apartment, while he shall be keeper thereof, and also excepting the necessary food for the use of himself and family while such keeper. The said board of supervisors shall at such meeting fix and determine when and how such salary shall be payable in accordance herewith.

§ 2. The superintendent of the poor of said county shall, whenever directed so to do by resolution of the board of supervisors of said county, adopted by a majority vote of all members elected

thereto, purchase all such articles as may be necessary for the support and maintenance of the poor, and of all others in the public institutions of said county, which now are, or may hereafter be placed under charge of said superintendent, by contract or otherwise, as may be directed by said resolution, and if by contract, such resolution shall designate what notice shall be given of the letting of such contract, when, where, and in whose presence proposals shall be opened, and the amount of security to be given for the faithful performance of the contract, and the said board of supervisors shall designate in said resolution who shall award the contract, and whenever the board of supervisors of said county at any meeting lawfully assembled shall direct as to the time, manner and extent of the sales of personal property to be made by such superintendent. No sales shall be made by him of such property or any part thereof except in compliance with the directions so given.

§ 3. The actual and necessary expenses incurred by the superintendent of the poor of said county in the discharge of his official duties shall be audited and allowed to him by the board of supervisors of said county at their annual meeting upon the presentation of his bill therefor, duly itemized and verified.

§ 4. The superintendent of the poor of said county shall annually make and render, under oath to said board of supervisors a full detailed and itemized report of his receipts and disbursements as such superintendent, embracing therein in detail the products of the county farm of every name and nature and his disposition of the same, and the same shall be rendered within five days after the board of supervisors shall have convened in regular annual session by delivering the same to the clerk thereof. The failure of the superintendent to file such report or comply with any of the provisions of this act shall be deemed misconduct in office within the meaning of chapter one hundred and thirty-three of the laws of one thousand eight hundred and seventy-six.

§ 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

DUTCHESS COUNTY.

AN ACT to provide for the presentation of proper bills for the support of indigent insane, idiotic, deaf and dumb or blind persons to the county of Dutchess and the city of Poughkeepsie by institutions for their maintenance in the state of New York, and for the proper commitment of such persons.

Chapter 465, Laws of 1885.

Section 1. All institutions in the state of New York maintaining any insane, idiotic, deaf and dumb or blind persons, whose support is properly chargeable to the county of Dutchess, are hereby required to render to the county treasurer of said county, bills for the support of such persons only as are residents of and properly chargeable to the towns of said county, and to said county and to the city treasurer of the city of Poughkeepsie, bills only for persons residents of and properly charged to said city.

§ 2. The county judge and superintendents of the poor in said county are required to specify in the commitment of any insane, idiotic, deaf and dumb or blind person from said county, the town or ward from which such person is committed.

ERIE COUNTY.

AN ACT for the support and relief of the poor, and for the government of the poor department in the county of Erie.

Chapter 461, Laws of 1867.

Section 1. There shall be elected at the next general election in the county of Erie, and in each third year thereafter, at the general election, one superintendent of the poor, to be chosen in the same manner as other county officers of said county, and whose term of office shall be three years, and shall commence on the first day of January next succeeding his election. The terms of office of the present superintendents of the poor of the said county, shall cease and determine on the first day of January next. The superintendent of the poor of said county shall take and file his oath of office in like manner as other county officers, before entering upon the performance of the duties of such office.

His salary shall be fixed by the board of supervisors of said county before his election, and shall not be increased or diminished during his term of office, and the same shall be a county charge. The superintendent of the poor of said county, hereafter to be elected, shall have and possess all the powers and authority and be subject to the same liabilities, pains and penalties as the superintendents of the poor of the said county now have and possess and are subject to under the present law, except as otherwise herein especially provided; and in case of any vacancy occurring in said office by death, resignation or otherwise, the board of supervisors of said county shall fill the vacancy until the next general election, when the vacancy shall be filled by the people choosing, in such election, some person to fill the same, in the same manner as the superintendent is originally chosen.

§ 2. There shall be elected at the general election in the county of Erie, in the year eighteen hundred and eighty-two, and in each third year thereafter, at the general election, a keeper of the poorhouse of said county, to be chosen in the same manner as other county officers of said county, and whose term of office shall be three years and shall commence on the first day of January, eighteen hundred and eighty-three. The term of office of the present keeper of the poorhouse shall cease and determine on the first day of January, eighteen hundred and eighty-three. The keeper of the poorhouse of said county shall take and file his oath of office in like manner as other county officers, before entering upon the performance of the duties of such office. His salary shall be fixed by the board of supervisors of said county before his election and shall not be increased or diminished during his term of office and the same shall be a county charge. In case of any vacancy occurring in said office by death, resignation or otherwise, the county judge of said county shall fill the vacancy until the next general election, when the vacancy shall be filled by the people. The said keeper shall have power and it shall be his duty—

1. To establish and ordain prudential rules, regulations and by-laws for the government and good order of the poorhouse, the county farm and property connected therewith in said county, and for the employment, relief, management and government of the persons therein placed; said rules, regulations and by-laws

shall be approved and sanctioned by the superintendent in writing, and a copy thereof, with such approval, shall be filed with the clerk of the board of supervisors.

2. The said keeper shall in each and every year, at the first day of the annual session of the board of supervisors, furnish to and file with the said board a full, true, and correct inventory of all the goods, furniture, farming utensils, stock and property of every name, kind and nature belonging to the said county or in its use, on or connected with the poorhouse, or the poorhouse farm, which said inventory shall specify each article and its estimated value, as near as may be, and shall be verified by his oath, and a duplicate thereof shall be kept by him at the poorhouse in a book of invoices, and shall be open for inspection to any taxable inhabitant of said county at all reasonable hours.

3. To purchase the furniture, implements, materials and supplies that shall be necessary, from time to time, for the maintenance of the poor therein, and to employ such help to carry on the business of the poorhouse as shall be necessary in addition to the labor of the paupers.

4. To certify the amount due to any person for bringing paupers to the poorhouse, which amount shall be paid by the county treasurer on the production of such certificate, countersigned and allowed by the superintendent of the poor.

5. To draw on the county treasurer, from time to time, for all necessary expenses incurred by him in the discharge of his duties, to be paid by the treasurer out of any money in his hands for the support of the poor.

6. To keep a book or books, in which shall be entered a correct and full statement of all purchases, contracts, sales and expenditures made by him as such keeper, which book or books shall be open for the inspection of any taxable inhabitant of the county, at all reasonable hours, and which book or books and the vouchers for such expenditures shall be exhibited by him to the board of supervisors at each annual meeting of the board, and at any special meeting thereof when he shall be called upon by resolution so to do.

7. And the said keeper shall, at each annual meeting of the board of supervisors and whenever called upon so to do, render to the said board a full, just and correct account in writing and

in detail, of all expenditure made by him and of his doings as such keeper; the amount and value of the products of the labor of the paupers, and of the produce of the farm, and the name of every person to whom any draft on the county treasurer shall have been given by him, the amount of the same, together with a statement of what the allowance was made for and the price or sum allowed for the service or article for which such allowance was made; which statement shall be verified by the oath of the said keeper, and shall be filed with the clerk of the board of supervisors.

8. He shall also furnish to the board of supervisors, on or before the third week of the annual session of said board, in each year, a detailed statement of all outstanding indebtedness or liability against said poorhouse, belonging to his department, and a failure to furnish such statement or the willful omission of any liability or indebtedness from such statement shall be deemed a misdemeanor, and on conviction shall be punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment. (*As amended by chapter 164 of the Laws of 1873, and chapter 363 of the Laws of 1880.*)

§ 3. Said keeper before entering upon the duties of his office shall execute to the treasurer of said county, a bond in such penalty and with such sureties to be approved by a judge of the supreme court, as shall be determined by the board of supervisors, conditioned for the faithful performance of his duties as such keeper, and the proper application of all money and property coming into his custody as such keeper, and for the due accounting for the same, which bond shall be filed with the county treasurer; and in case of default in the conditions thereof, or in any of them, the said treasurer is authorized and required to prosecute the same to judgment and execution, and all moneys collected thereon shall be paid into the county treasury for the support of the poor of said county.

§ 4. The present superintendents of the poor of Erie county, shall make or cause to be made, and filed with the clerk of the board of supervisors at the next annual meeting of the said board, and on the first day thereof, a full, just and accurate inventory of all the goods, furniture, farming utensils, stock and property

of every name and nature belonging to the said county, and connected with the said poorhouse or poorhouse farm at that time in the same manner specified in subdivision second or section second of this act, which shall be in like manner verified by the oath of the said superintendents, and the said superintendents shall in like manner, file with the said board, at the same time a full and detailed account of all expenditures made by the said superintendents during the year next preceding, and shall at the same time exhibit their vouchers for the same, and of all their receipts as such superintendents, with a statement of the sources respectively whence the same were derived, and a statement of the produce of the farm, and of the labor of the inmates of the poorhouse, which account shall be verified by oath in like manner as the inventory last aforesaid.

AN ACT to regulate the commitment of poor persons to the Erie county almshouse.

Chapter 461, Laws of 1896.

Section 1. When any person shall apply for relief to any overseer of the poor in the county of Erie, such overseer shall inquire into the circumstances of the applicant. If it shall appear that the applicant is such an indigent, poor person as to require commitment to the Erie county almshouse, the overseer shall deliver or send said person to the superintendent of the poor of the county of Erie, at his office in the city of Buffalo, New York, with a communication in writing stating the facts and circumstances concerning the said applicant, and also giving his reasons why such commitment should be made. Thereupon the superintendent of the poor shall also, upon his part, examine into the facts and circumstances connected with the condition of said applicant, and if in his judgment such commitment is proper, he shall make an order committing said person to the Erie county almshouse. The expense of conveying said person to the office of the superintendent of the poor shall be borne by the town or locality upon which said applicant is a charge.

§ 2. The keeper of the Erie county almshouse shall not receive any person as an inmate of said institution, except upon the written order of the superintendent of the poor of Erie county.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

AN ACT in relation to habitual drunkards, vagrants and prostitutes in the county of Erie.

Chapter 552, Laws of 1875.

Section 1. Whenever any prostitute, female vagrant or habitual drunkard in the county of Erie, between the ages of fourteen and thirty years, shall be arrested and brought before the police justice of the city of Buffalo, or any of the justices of the peace in the city of Buffalo, and shall profess a desire to reform, such police justice or justice of the peace, may in his discretion, make an order, committing such female to the care, custody and instruction of the managers of The Asylum of Our Lady of Refuge, or the Ingleside Home of the city of Buffalo, for such period of time as may be authorized by law for the punishment of such prostitute, vagrant and habitual drunkard, but no person shall be committed to the said The Asylum of Our Lady of Refuge or Ingleside Home without the written consent of such person, and such committing magistrate shall forthwith make and file a copy of such commitment in the clerk's office of Erie county; it shall also be the duty of the county clerk of said county to make a report of such commitments filed in his office during the preceding year, to the board of supervisors of said county at their annual meeting.

§ 2. Whenever any person committed as aforesaid, shall become disorderly, disobedient or ungovernable, the said managers are hereby authorized to return such person to the committing magistrate or police justice, to be disposed of by due course of law.

§ 3. The city of Buffalo shall pay to the managers of the said The Asylum of Our Lady of Refuge and the Ingleside Home of the city of Buffalo, such sum not exceeding one dollar and fifty cents per week as the board of supervisors shall determine, for the maintenance of each and every person who shall be committed to said institutions under and in pursuance of this act; and the accounts of said managers for such support and maintenance shall be audited, and the payment thereof provided for, in the same manner as for other accounts against the city.

AN ACT fixing the compensation of the superintendent of the poor of the county of Erie and of his subordinates.

Chapter 604, Laws of 1906.

Section 1. The superintendent of the poor of the county of Erie shall receive an annual salary of forty-two hundred dollars, payable bimonthly, in full of all the services and duties performed by him as superintendent of the poor of the county of Erie. Hereafter it shall be unlawful for the superintendent of the poor of the county of Erie to ask, charge or receive any compensation, fee or emolument for any act or duty performed by him as such superintendent of the poor of Erie county other than the compensation specified in this act.

§ 2. The superintendent of the poor of Erie county shall appoint, and may at pleasure remove, a deputy superintendent of the poor who shall receive an annual salary of eighteen hundred dollars, payable bimonthly; an inspector, who shall receive an annual salary of thirteen hundred dollars, payable bimonthly; a record clerk, who shall receive an annual salary of fourteen hundred dollars per year, payable bimonthly; and a secretary, who shall receive an annual salary of one thousand dollars per year, payable bimonthly.

§ 3. No appointee or employee of the office of the superintendent of the poor of Erie county shall receive any compensation, fee or emolument for any duty or act done or performed by him in connection with his office other than the compensation specified in section two of this act. The board of supervisors of the county of Erie shall make provision in the annual budget for the payment of the salaries herein mentioned.

FULTON COUNTY.

AN ACT for the care and support of the poor in the county of Fulton.

Chapter 155, Laws of 1886.

Section 1. All the paupers who are now inmates, and whose names appear on the books kept at the poorhouse, in the county of Fulton, shall be county paupers as long as they shall remain continuously at said poorhouse; if any of the said paupers shall

be discharged by the superintendent of the poor of said county, or shall voluntarily leave and cease to be supported at said poorhouse, said paupers' names shall be stricken from the books at the poorhouse, and shall thereafter cease to be county paupers, unless they are returned to said poorhouse within a period of one year. All the cost and expenses for the care, support and maintenance of said county paupers shall be a county charge and shall be paid by the county of Fulton. All the paupers who are legally admitted to the poorhouse in said county after the passage of this act (except as above mentioned) shall be town paupers, and all the cost and expense for the care, support and maintenance of such town paupers shall be charged to and paid by the town from which the said paupers were sent.

§ 2. The superintendent of the poor shall, within ten days after the passage of this act, determine and designate, by name, all paupers who are supported and maintained at said poorhouse at the passage of this act, from each of the towns in said county; said names shall be filed in the office of the county clerk of said county, and recorded in the book of miscellaneous records. The superintendent of the poor shall send a list of the names to the supervisor of each town in said county of all the paupers supported and maintained at said poorhouse sent from their respective towns; said list, if correct, shall be indorsed with the approval of the supervisor of said town, and filed in the office of the town clerk of said town.

§ 3. All the cost and expense for the care, support and maintenance of all the poor outside of the poorhouse who are now or who may hereafter become a public charge in said county, and all the permanent, temporary and transient relief shall be a charge against the city or town where the commissioner of charities or supervisor granting the relief resides, and where such expense shall have accrued, except as hereinafter provided, and all such expense shall be audited exclusively by the common council of said city and the board of town auditors of said town, and shall be audited and paid in the same manner as other city and town charges are audited and paid. The board of supervisors of the county of Fulton is hereby prohibited from auditing, allowing or paying any account of any person or officer, for the care, support and maintenance of the poor in said county,

or for permanent, temporary or transient relief, or the expense of granting the same, except such accounts as are by law chargeable to the said county. Any person who shall send, remove or entice to remove, or bring, or cause to be sent, removed or brought, any poor or indigent person, from any city or town of said county, to any other city or town of said county, or from any other county, or any city or town of any other county, to any city or town of said county, without legal authority, and there leave such person, for the purpose of avoiding the charge of such poor or indigent person upon the city, town or county from which he is so sent, removed or brought or enticed to remove, shall forfeit fifty dollars, to be recovered by and in the name of the town or city of said county to which such poor person shall be sent, brought or removed, or enticed to remove, and shall be guilty of a misdemeanor. A poor person so removed, brought or enticed, or who shall of his own accord come or stray from one city or town of said county into any other city or town of said county, or from any other county, or any city or town of any other county, into any city or town of said county not legally chargeable with his support, shall be maintained by the commissioner of charities of the city or the supervisor of the town where he may be. They may give notice to either of the overseers of the poor of the town or city from which he was brought or enticed, or came as aforesaid, if such town or city be liable for his support, and if there be no town or city in the county from which he was brought or enticed or came liable for his support, then to either of the county superintendents of the poor of such county, within ten days after acquiring knowledge of such improper removal, informing them of such improper removal, and requiring them forthwith to take charge of such other person. If there be no overseers or superintendents of the poor in such town, city or county, such notice shall be given to the person, by whatever name known, who has charge and care of the poor in such locality. The county superintendents or overseers, or other persons, to whom such notice may be directed, may, after the service of such notice, take and remove such poor person to their county, town or city, and there support him, and pay the expense of such notice, and of the support of such person; or they shall, within thirty days after

receiving such notice, by a written instrument under their hands, notify the commissioner of charities of the city or supervisor of the town from whom such notice was received, that they deny the allegation of such improper enticing or removal, or that their town, city or county is liable for the support of such poor person. If there shall be a neglect to take and remove such poor person and to serve notice of such denial within the time above prescribed, the county superintendents and overseers or other persons, respectively, whose duty it was to do so, their successors, and their respective counties, cities or towns, shall be deemed to have acquiesced in the allegation contained in such first notice and shall be forever precluded from contesting the same, and their counties, cities and towns, respectively, shall be liable for the expenses of the support of such poor person, which may be recovered from time to time, by the commissioner of charities or supervisor incurring such expenses, in the name of his city or town in actions against the county, city or town so liable. Upon service of any such notice of denial, the commissioner of charities or supervisor upon whom the same shall be served, shall, within three months, commence an action in the name of his city or town, against the town, city or county so liable for the expenses incurred in the support of such poor person, and prosecute the same to effect; if they neglect to do so, their city or town shall be precluded from all claim against the town, city or county to whose officers such first notice was directed. (*As amended by chapter 323 of the Laws of 1903, and chapter 751 of the Laws of 1904.*)

§ 4. The supervisors of the several towns in said county shall, by virtue of their office, act as and be overseers of the poor in their respective towns and they shall have all the powers and perform all the duties that the law now confers, or may hereafter confer, by any general act upon overseers of the poor of the several towns in this state, not inconsistent with any of the provisions of this act; and they shall be subject to all the liabilities, penalties and conditions that overseers of the poor who are elected or appointed pursuant to this act are subject to. (*As amended by chapter 138 of the Laws of 1898.*)

§ 5. (*Repealed by chapter 138 of the Laws of 1898.*)

§ 6. (*Repealed by chapter 138 of the Laws of 1898.*)

§ 7. The supervisors of the several towns in said county shall not be interested, directly or indirectly, in any contract for the care, support and maintenance of the poor at the poorhouse, or in supplies furnished, contracted for or ordered for said poorhouse, or to any person for permanent or temporary relief. The supervisors in the several towns in said county shall grant all the relief outside of the poorhouse for the care, support and maintenance of all the poor in their respective towns, and shall grant permanent, temporary or transient relief at such times, in such sums, and in such quantities as they shall deem necessary, and no other person or officer shall grant any relief for the care, support or maintenance of the poor, or for permanent or temporary relief in any town in said county, or exercise such powers, or discharge such duties, but the supervisors of the several towns shall have all the powers and perform all the duties that the law now confers, or may hereafter confer by any general act upon overseers of the poor of the several towns in this state, not inconsistent with any of the provisions of this act, and they shall be subject to all the liabilities and penalties that overseers of the poor of the several towns in this state are now or may hereafter be subject to. The supervisors in the several towns in said county shall have power to administer an oath to any person applying for relief as to any matters pertaining to or relating to the application for relief. (*As amended by chapter 138 of the Laws of 1898.*)

§ 8. On the first Tuesday of February in the year eighteen hundred and ninety-eight, and each year thereafter, the town board or a majority of the officials composing said board, of each of the several towns in the county of Fulton, shall meet in their respective towns and fix the amount of the compensation of the supervisor of their respective towns for the ensuing year. The compensation so fixed by the several town boards shall not be increased or diminished during the year and shall be in full payment and compensation for all the services rendered by said supervisor acting as overseer of the poor in and for their respective towns. (*As amended by chapter 138 of the Laws of 1898.*)

§ 9. It shall be the duty of each supervisor in each town in said county, to enter in a book (to be furnished by the town) to be by him kept for that purpose, the names of all persons who shall apply to him for relief, with the date of such application and his decision in each case, whether sent to the poorhouse permanently or temporarily, relieved or application refused, together with an account of all sums by him expended in the relief of each indigent or poor person and family and the number of persons relieved in each family, to whom paid, of all orders granted, to whom given and upon whom drawn. Such book shall at all times be open to the inspection of any taxable inhabitant of the town. The supervisors shall at the time when town poor accounts are audited, present to the board of town auditors of their respective towns, the book or books (as above required to be kept) for their use and information in auditing and allowing of such accounts for the care and support of the poor of said town. (*As amended by chapter 138 of the Laws of 1898.*)

§ 10. (*Repealed by chapter 138 of the Laws of 1898.*)

§ 11. All the cost and expense of conveying to the asylums, and the cost of the keeping of the insane, and all other persons in the asylums who are by law a public charge upon the county of Fulton, also the fees of the physician examining such insane, shall be audited by the board of supervisors and charged to said county. All the cost and expense of conveying paupers from any town in said county to the poorhouse shall be a town charge, and shall be audited exclusively by the board of town auditors and paid by the town from which they are sent.

§ 12. The superintendent of the poor of said county shall annually on or before the tenth day of January appoint a physician to the poorhouse by a written instrument under his hand which shall be filed and recorded in the office of the clerk of the county. Such physician shall receive a salary of two hundred and fifty dollars per annum, which shall be a county charge and be payable quarterly as the salaries of other county officers are paid, and shall be in full compensation for all services rendered by said physician and for all medicines used or necessary to be used or furnished at the said poorhouse. (*As amended by chapter 751 of the Laws of 1904.*)

§ 13. (*Repealed by chapter 138 of the Laws of 1898.*)

§ 14. The superintendent of the poor in the county of Fulton, shall not grant any relief outside of the poorhouse, or in any town or city in said county, either for the care, support or maintenance of the poor, or for permanent or temporary relief. The superintendent of the poor, or the keeper of the poorhouse, in said county shall not receive or maintain, at the expense of the county, or of any town or city in said county any pauper or tramp without a written order from the supervisor of one of the towns of said county, or from the commissioner of charities of one of the cities of said county; all such orders shall be filed in the office of the superintendent of the poor of said county. The superintendent of the poor of said county may appoint a matron to the poorhouse, but the said matron shall not be one of the superintendent's family or any relative of the superintendent of the poor of said county, or of his wife. The board of supervisors of said county, shall fix the compensation of the matron to said poorhouse, but such compensation shall not exceed the sum of five dollars per week and her board. (*As amended by chapter 138 of the Laws of 1898.*)

§ 15. At the general election held in the county of Fulton in the year eighteen hundred and eighty-six, and at the general election held in said county in every third year thereafter, there shall be elected by the electors of said county, in the same way and manner as other county officers are now required by law to be elected, a superintendent of the poor of said county. The term of office of such superintendent of the poor so elected shall be for three years from and shall commence on the first day of January next succeeding such election; and every superintendent of the poor elected pursuant to this act shall exercise all the powers, and discharge all the duties now by law exercised and discharged by superintendents of the poor, except such powers and duties as are inconsistent with this act, and shall also be subject to the same liabilities and penalties that superintendents of the poor are now by law subject to.

§ 16. Every superintendent of the poor elected pursuant to this act shall reside at the poorhouse, and be the keeper thereof, and shall receive an annual salary of twelve hundred dollars,

which shall be a county charge and be payable quarterly as the salaries of other county officers are paid; he shall also be entitled to food, lights and fuel for himself and family at the poorhouse residence, which shall be furnished at the expense of the county. Said salary and compensation shall be in full payment for all the services now required by law or which may hereafter be required by law to be rendered by him as such superintendent of the poor and keeper of the poorhouse, and shall include all fees, charges and expenses for services rendered or incurred in proceedings for the care and commitment of insane persons which are or may be a charge against said county, and such salary or compensation shall not be increased or diminished during the term of office of any such superintendent of the poor. (*As amended by chapter 751 of the Laws of 1904.*)

§ 17. Whenever a vacancy shall occur in the office of superintendent of the poor of said county, the board of supervisors thereof, at an annual meeting or a special meeting called for that purpose, shall appoint some person to fill such vacancy, who shall hold his office during the remainder of the term, and shall, before entering upon his duties, give a bond, such as is required by law from superintendents of the poor, except that it shall be approved by the county judge of said county; said bond, with the approval aforesaid indorsed thereon, shall be filed within five days after such approval in the office of the clerk of said county.

§ 18. No superintendent of the poor of the county of Fulton shall be directly or indirectly interested in any goods, wares or merchandise, provisions, clothing or any other article or thing whatever furnished, ordered or contracted for by him for the use of or at the poorhouse or the poor therein.

§ 19. The superintendent of the poor of said county shall, in each year, render, under oath, to the board of supervisors of said county, at its annual meeting, a true and full statement of all moneys received by him from said county, or from any source, for the benefit of the county, of all the products raised on the county farm belonging to the said county poorhouse, and of all supplies purchased, ordered or contracted for by him, and of the disposition which has been made of the same, and of any

property belonging to the county, and of all labor that has been performed by the paupers in said poorhouse, and the manner in which the same has been performed.

§ 20. The board of supervisors of said county shall have power to direct by resolution, to be entered in its minutes, the quantity, quality and the manner in which the supplies for the county poorhouse, or any portion thereof, shall be purchased, obtained or contracted for; also for all the property and labor at or on the poorhouse, and for the working of the farm, and for all implements for the working of the same, and for all repairs on the buildings and fences.

§ 21. The superintendent of the poor of said county shall be subject to removal from office, for neglect of duty or malfeasance in office, in the same way and manner as provided by law for the removal of sheriffs.

§ 22. All the cost and expense for all the relief granted outside of the poorhouse in the several towns of said county, since December first, eighteen hundred and ninety-seven, for the care, support and maintenance of the poor, or for permanent or temporary relief, by the supervisors of the several towns, shall be a charge against the town where the supervisor granting the relief resides. All such expense shall be audited exclusively by the board of town auditors of said town, and paid in the same manner as other town accounts are paid. (*As amended by chapter 138 of the Laws of 1898.*)

§ 23. (*Repealed by chapter 138 of the Laws of 1898.*)

§ 24. The following special acts for the care and support of the poor in the county of Fulton, namely: Chapter four hundred and ninety-seven, laws of eighteen hundred and fifty-five; chapter one hundred and eighty-one, laws of eighteen hundred and fifty-nine; chapter two hundred and forty-two, laws of eighteen hundred and fifty-nine; chapter one hundred and eighteen, laws of eighteen hundred and sixty-two; chapter two hundred and nine, laws of eighteen hundred and seventy-three, are hereby repealed; except the provisions of this act shall not affect the fees or compensation of any supervisor now acting as overseer of the poor in Fulton county during the term for which he has been elected.

§ 25. This act shall not apply to the cities of Gloversville and Johnstown, or either of them, or the poor of said cities, except as herein expressly stated. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed. (*As amended by chapter 138 of the Laws of 1898.*)

JEFFERSON COUNTY.

AN ACT to provide for the support of the poor in the county of Jefferson.

Chapter 817, Laws of 1873.

Section 1. There shall not hereafter be elected any overseer of the poor in any of the towns of Jefferson county except in the city of Watertown and the towns of Ellisburgh, Cape Vincent, Wilna and Champion, and all the powers and duties of overseers of the poor as now provided by law are hereby conferred upon the supervisors of the respective towns in said county except in the city of Watertown and the towns of Ellisburgh, Cape Vincent, Wilna and Champion, where the overseer of the poor shall discharge all the duties of overseer of the poor conferred by this act with the restrictions hereinafter provided and the supervisors of each of the towns except those above named in said county shall exercise the powers and discharge the duties aforesaid and shall be subject to all liabilities and penalties that overseers of the poor are now subject to. (*As amended by chapter 24 of the Laws of 1888.*)

§ 2. It shall be the duties of the supervisors of the several towns in said county and of the overseer of the poor in the city of Watertown except Ellisburgh, Cape Vincent, Wilna and Champion, to grant all necessary aid or relief to poor and indigent persons residing in their respective towns, and it shall be the duty of each supervisor except Ellisburgh, Cape Vincent, Wilna and Champion, and of the overseer of the poor of the city of Watertown to enter into a book to be kept by each of them for that purpose the name, age and sex of every person by them relieved together with an account of all the sums of money expended and the items of expenditure in the relief of each poor

or indigent person and the cause of poverty in each case so far as it can be ascertained. It shall be the duty of the supervisors of the several towns except Ellisburgh, Cape Vincent, Wilna and Champion, and of the overseer of the poor of the city of Watertown to furnish to the clerk of the board of supervisors on or before the first day of the annual meeting of said board a copy of all the entries in the book provided to be kept by such supervisors and overseer for the year ending on the first day of November of each year, and also to present the same to the boards of audit of their respective towns and city at their annual meeting for the audit of town and city accounts, and such supervisor for all services (including mileage) rendered in the discharge of his official duties as aforesaid shall receive for each day's actual service the sum of two dollars provided that such supervisor shall in no case receive more than five per cent of the cost of supplies furnished nor shall he receive more than one hundred dollars in any one year for such official services. (*As amended by chapter 24 of the Laws of 1888.*)

§ 3. In case of the inability to serve of the supervisor of any of the towns in said county from absence, sickness or any other cause, the duties imposed on supervisors by this act shall during such inability be discharged by the justice of said town having the shortest time to serve, and said justice while so acting shall have the powers and liabilities hereby imposed upon supervisors and like compensation.

§ 4. The board of supervisors of Jefferson county shall have exclusive power to make contracts with physicians and surgeons to furnish medicines and medical and surgical services for the poor at the poorhouse and asylum of said county and the supervisors of the several towns except Ellisburgh, Cape Vincent, Wilna and Champion of said county and of the wards of the city of Watertown shall have power to make contracts with physician and surgeons to furnish medicines and medical and surgical services for the poor of their respective towns but no charge shall be made by any supervisor for making such contract nor for any other services rendered in causing medical or surgical aid to be extended to any of the poor and indigent persons of their respective towns. (*As amended by chapter 24 of the Laws of 1888.*)

§ 5. All the expenses arising from the care, support and maintenance of the poor of the various towns and in the city of Watertown, in said county, shall be a charge upon the towns and city respectively, except as herein provided. And all accounts hereby made a charge upon the several towns and the city of Watertown, unless otherwise provided in this act, shall be presented to and audited by the boards of audit of the respective towns and city. And the sums thus audited shall be levied and assessed upon said towns and city respectively by the board of supervisors of said county, and the sum thus raised shall be paid to the county treasurer and by him paid over on the order of the clerk of the board of supervisors to the persons entitled thereto as shall appear upon the schedule of the board of town and city auditors. The mayor of the city of Watertown and the supervisors of the several wards are hereby constituted a board of audit for said city for the purposes of this act.

§ 6. The board of town auditors of the several towns may specify such sums as they shall deem expedient to be raised in advance, for the support of the poor for the ensuing year, and such sums shall be levied upon said towns by boards of supervisors of said county and collected and paid over by the collectors to the supervisors of the respective towns. The board of auditors of the city of Watertown may specify such sums as it shall deem expedient to be raised in advance, for the support of the poor of said city for the ensuing year, and such sum shall be levied on said city by the board of supervisors of said county, and collected and paid over by the collectors to the chamberlain of said city to be disbursed by him on the order of the overseer of the poor of said city, and such overseer shall render detailed account to such board of auditors annually, and as much oftener as shall be by said board required, of all his expenditures of such moneys and the manner thereof.

§ 7. All poor and indigent persons in the county poorhouse or asylum, on the first day of November, eighteen hundred and seventy-three, and who for the previous twelve months have been in said institution, and all poor and indigent persons in said institution, or who shall from time to time be sent there from any part of said county, who have not a residence in any of the towns or city of said county, and all poor and indigent persons

now in any of the State asylums or in the Jefferson County Orphans' Asylum at the expense of the county; and indigent persons who on and since the first day of November, eighteen hundred and seventy-one, have been maintained in any of the towns of the county, or in the city of Watertown, on the written order of the superintendent of said county, and who still continue to require aid shall be a county charge. The last named class of persons may be maintained outside of the poorhouse at the expense of the county, on the written order of the superintendent, at a cost not exceeding the average cost of maintenance at the poorhouse. All the poor accounts chargeable to said county, and all accounts for expenses at and connected with the poorhouse and asylum shall be audited by the board of supervisors as other county accounts are now by law audited, and such portion of said accounts as are hereby made a charge upon the respective towns and city shall be charged to them respectively.

§ 8. No overseer of the poor shall hereafter be elected in the county of Jefferson, except in the towns of Ellisburgh, Cape Vincent, Wilna and Champion. At each annual meeting of the board of supervisors of said county, one superintendent of the poor shall be appointed by said board who shall hold his office one year and until his successor shall be appointed; and the superintendent thus appointed shall exercise all the powers and discharge all the duties now by law exercised by the superintendent of the poor, except such powers and duties as are inconsistent with this act, and shall be subject to the same liabilities and penalties that the superintendent of the poor is now by law subject to, and every superintendent of said county before entering upon the duties of his office and within ten days of his notice of appointment, shall execute to the board of supervisors of said county a bond in the penal sum of ten thousand dollars, or such other sum as such board shall direct, with two or more sureties to be approved by such board, or in case such board shall not be in session, by the county judge, surrogate and county clerk or any two of them, conditioned that he shall faithfully execute and discharge the duties of his office and shall pay according to law all moneys that shall come into his hands by virtue of his office, and render a just and true account thereof to the board

of supervisors at each annual meeting of such board or at any special meeting thereof when required to do so. Said bond with the approval aforesaid indorsed thereon, shall be filed in the office of the county clerk. The term of office of said superintendent shall commence on the first day of January of each year. Every superintendent appointed by virtue of this act shall reside at the poorhouse of said county and be the keeper thereof and shall receive such compensation for his services as shall be fixed at any annual meeting of the board of supervisors, but such compensation so determined shall not be increased or diminished during the term for which he is appointed. (*As amended by chapter 24 of the Laws of 1888; and chapter 90 of the Laws of 1893.*)

§ 9. Whenever a vacancy shall occur in the office of superintendent of the poor in said county, the county judge, surrogate and county clerk, or any two of them, shall appoint some person to fill such vacancy, who shall hold his office until a successor shall be appointed in pursuance of this act; and shall, before entering upon the duties of his office, and within five days after notice of his appointment, give such bond as is provided for in the eighth section of this act, which, with the approval as herein provided, and with the order of appointment, shall be filed in the office of the county clerk. Every superintendent appointed in pursuance of this section shall receive the same proportionate rate of compensation for his services as his immediate predecessor would have been entitled to receive.

§ 10. Every superintendent of the poor, supervisor and overseer of the poor in said county shall have power to administer an oath to any person applying for relief, as to any matters pertaining to or touching the application for relief. Willful false swearing under this act shall be deemed perjury.

§ 11. It shall be the duty of the superintendent of the poor of said county to keep a book in which shall be entered a correct and full statement and account of all purchases, contracts, sales and expenditures made, and all moneys received by him as such superintendent; the amount and value of the farm products; the name of every person to whom any draft on the county treasurer shall be given, or any money paid by him; the amount of the same, and for what the allowance or payment was made, and the

price of the article or services for which such allowance was made, which book, with the vouchers of such expenditures, shall be presented to the board of supervisors during the first three days of their annual session, and at any special meeting of said board when required. It shall also be the duty of the said superintendent to keep an accurate account of the name of each poor and indigent person received into the poorhouse or asylum of the county, the date of such reception and of what town or city of the county they are residents, or if they are not residents of any of the towns of said county, or of the city of Watertown, such fact shall be stated by him, and the residence thus fixed by the superintendent shall, for the purposes of this act, be deemed presumptively correct, and any interested party shall have the right to appeal from such decision of the superintendent to the board of supervisors, who may make such order in the matter as they shall deem just. He shall also keep an accurate account with each of the towns of the county and with the city of Watertown, charging them with the average cost of supporting all poor and indigent persons kept in the poorhouse or asylum at any time during the preceding year, and chargeable to such towns or city respectively, except those who by this act are made a county charge, and shall include the same in his report to the board of supervisors as herein provided. The supervisor of any town or ward, and the overseer of the poor of the city of Watertown shall have the right to have such of the town or city poor, as they shall from time to time direct, respectively, maintained at the poorhouse or asylum at the expense of such town or city, and shall also have the right to send children to the Jefferson county orphan asylum, chargeable to their respective town or city, subject to the rules and regulations of such orphan asylum.

§ 12. The board of supervisors of said county shall, at each annual meeting of said board, appoint two persons, whose duty it shall be to visit the poorhouse and asylum of said county once in every two months, and not oftener, unless ordered by said board; and shall examine into the condition and usage of the poor, the management of the poorhouse and farm, the books of the keeper, and the management of the poorhouse and asylum generally, and shall make a written report of their doings to

the board of supervisors at each annual meeting thereof; and also, when called upon so to do at any special meeting of said board. Said inspectors shall receive as compensation two dollars per day while in actual service. Said inspectors shall be appointed by ballot at the same time, and no ballot shall contain the name of more than one person, and the two persons having the greatest number of votes shall be deemed appointed.

§ 13. The board of supervisors of said county shall have power to direct, by resolution, duly entered on its minutes, the manner in which the supplies for the poorhouse, or any portion of them, shall be purchased, contracted for or obtained by the superintendent. When any such direction shall be given by said board, the same shall be observed and carried out by said superintendent.

§ 14. Section first and second of chapter one hundred and ninety-five of the laws of eighteen hundred and sixty-six, also chapter two hundred and forty-two of the laws of eighteen hundred and fifty-two are hereby repealed except in Ellisburgh, Cape Vincent, Wilna and Champion. (*As amended by chapter 24 of the Laws of 1888.*)

§ 15. All laws and parts of laws inconsistent with this act are and shall be inoperative and ineffectual in the county of Jefferson, and all general laws now in force, applicable to the care and support of town or county poor, and not inconsistent with this act, are hereby made applicable to the town and county poor of said county.

§ 16. This act shall go into effect on on* the first day of November eighteen hundred and eighty-eight and the term of office of overseer of the poor in said county, except in the city of Watertown, Ellisburgh, Cape Vincent, Wilna and Champion, shall cease on the first day of November eighteen hundred and eighty-eight. (*As amended by chapter 24 of the Laws of 1888.*)

AN ACT to exempt the town of Henderson from the provisions of chapter eight hundred and seventeen of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support of the poor in the county of Jefferson," and to confirm the action of the legal voters of said town in the election of an overseer of the poor.

Chapter 589, Laws of 1880.

Section 1. The town of Henderson is hereby exempted from the provisions of chapter eight hundred and seventeen of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support of the poor of the county of Jefferson," and the action of the legal voters of said town, on February seventeenth eighteen hundred and eighty, in electing Levi Crittenden as overseer of the poor is hereby fully confirmed.

LEWIS COUNTY.

AN ACT to repeal chapter six hundred and forty-five of the laws of eighteen hundred and eighty-one, entitled "An act to provide that any superintendent of the poor of the county of Lewis may be the keeper of the poorhouse of said county."

Chapter 86, Laws of 1885.

Section 1. From and after the first day of January, eighteen hundred and eighty-six, chapter six hundred and forty-five of the laws of eighteen hundred and eighty-one, entitled "An act to provide that any superintendent of the poor of the county of Lewis may be the keeper of the poorhouse of said county," is hereby repealed.

MONTGOMERY COUNTY.

AN ACT relating to the superintendent of the poor of Montgomery county and specifying his powers as keeper of the county almshouse and farm.

Chapter 10, Laws of 1900.

Section 1. The superintendent of the poor of Montgomery county shall reside at the poorhouse and shall be keeper of the county almshouse and farm of such county, during his term of office as such superintendent. He shall receive as such keeper, in addition to his fees as superintendent of the poor, an annual compensation of eight hundred dollars. He shall be entitled to board for himself and family. He may employ a matron at a compensation of not to exceed four dollars per week, one additional

female assistant at not to exceed four dollars per week and such other help as he may deem necessary.

§ 2. The superintendent of the poor in office when this chapter takes effect, and the superintendents hereafter elected or appointed shall purchase the necessary furniture and equipment for the county farm and almshouse recently purchased and constructed for such county and also purchase necessary implements and stock for said farm, food and material for the maintenance of the poor in such almshouse and use the income of said farm for the support of such poor and sell and dispose of the proceeds of said farm not necessary for the support of the inmates of said almshouse. Such superintendent shall make an itemized estimate in duplicate, of the furniture, equipment, implements, stock and supplies required for the use of the county almshouse and farm, showing the amount required for each item; each of such duplicates shall be signed by him and one shall be filed in his office and be open to public inspection and one shall be transmitted to the clerk of the board of supervisors.

The board of supervisors shall cause the total amount called for by such estimates to be assessed, levied and collected in the same manner as other contingent expenses of the county, to be paid to the county treasurer and to be by him kept as a separate fund. The superintendent of the poor shall pay for the furniture and equipment purchased by him as above provided, by his order upon the county treasurer, to be paid from the fund so raised.

§ 3. No superintendent of the poor of the county of Montgomery shall be directly or indirectly interested in any goods, wares or merchandise, provisions, clothing or any other article or thing whatsoever furnished, ordered or contracted for by him for the use of or at the poorhouse for the poor therein.

§ 4. Except as otherwise provided in this act, the provisions of the poor law and of other general laws apply to the superintendent of the poor of Montgomery county and the county almshouse and farm of such county.

PUTNAM COUNTY.

AN ACT to abolish the office of county superintendent of the poor in the county of Putnam, and to authorize the board of supervisors of said county to employ a keeper of the county poorhouse and farm.

Chapter 118, Laws of 1856.

Section 1. The office of county superintendent of the poor of the county of Putnam is hereby abolished, and the provisions of the act passed December sixteenth, eighteen hundred and forty-seven, and all other acts inconsistent with this act, requiring the election of such officers so far as the same apply to the county of Putnam are hereby repealed.

§ 2. The board of supervisors of said county are hereby empowered and authorized to employ on such terms as said board shall deem proper, a keeper of the county poorhouse of said county, whose duty it shall be to take charge of and superintend the management of the poorhouse and farm of said county, under the control and direction of said board.

RENSSELAER COUNTY.

AN ACT relating to the support of the poor of Rensselaer county.

Chapter 344, Laws of 1860.

Section 1. From and after the passage of this act, the two superintendents of the poor having the shortest time to serve, shall be designated auditing superintendents, and shall be competent to do no other acts officially, nor shall do any other acts officially than those prescribed in this act. The third superintendent of the poor, being the one having the longest term to serve, shall be designated the acting superintendent of the poor; shall discharge all the duties required by law, from a county superintendent of the poor; together with all other duties required by this act, from the acting superintendent of the poor. And hereafter there shall be elected at the general election preceding the expiration of the term of office of each of said two first named superintendents of the poor, one auditing superintendent of the poor, to fill that office for three years; and at the

general election preceding the expiration of the term of the third named superintendent of the poor, there shall be elected one acting superintendent of the poor, who shall fill that office for three years.

The term of office of the present acting superintendent of the poor, Martin P. Defreest, shall end and terminate on the thirty-first day of December, in the year eighteen hundred and seventy-six, and the term of office of Barent I. Van Hoesen, one of the present auditing superintendents of the poor, shall end and terminate on the thirty-first day of December, in the year eighteen hundred and seventy-five; and the term of office of Jonathan Dennison, one of the present auditing superintendents of the poor, shall end and terminate on the thirty-first day of December, in the year eighteen hundred and seventy-six. In case of vacancy in the office of the acting superintendent or of the auditing superintendents, such officer shall be elected for the full term of three years, at the general election in said county of Rensselaer, next succeeding the happening of such vacancy; and in the meantime such vacancy shall be supplied as now provided by law. (*Added by chapter 590 of the Laws of 1875.*)

§ 2. The acting superintendent of the poor so elected, shall give bail in the amount required by the board of supervisors from a county superintendent of the poor, and his bonds shall be approved by said board as now required by law in such case.

§ 3. The (acting and) auditing superintendent* of the poor shall, on the first Wednesday of every month, meet at the house of industry, or the office of the acting superintendent, at the court house, in said county, and then and there audit, examine and allow, or disallow, every claim, account, bill or demand, presented by the acting superintendent, or any other person or persons, against the acting superintendent, or the board of superintendents, for the support of the county poor, or for any service, subsistence, supplies or maintenance of the county poor of said county, or for the support of any or all the inmates of the house of industry.

§ 4. They shall keep a book in the office of the acting superintendent of the poor, in the court house, in Rensselaer county, in which shall be entered a full and correct statement of all arti-

cles purchased for the care, support and maintenance of the inmates of said house of industry; or for the management and cultivation of the farm, and for the keeping of the team or teams, cattle and stock upon the same, together with the name of the person or persons of whom the same was purchased, and the price thereof; another book in which all articles sold shall be entered, with the price, names of the purchasers and date of said purchase; and a third book in which shall be entered at length every contract, whether written or verbal, and the names of the contracting parties; and a fourth book, in which shall be entered the name, age, sex, previous habits, nativity, last place of residence and name of committing officer, of every pauper inmate, together with the name of the town or city to which they are severally chargeable.

§ 5. The said books shall be open for the examination of every taxpayer of said county, from ten o'clock in the morning to twelve at noon, and from one till four o'clock in the afternoon of every day except Sundays, legal holidays and election days.

§ 6. The said auditing superintendents shall each receive four dollars per day for every monthly meeting for auditing said accounts, and twenty cents for every mile necessarily traveled to attend said meetings, reckoning only one way, which bills shall be audited and allowed by the board of supervisors, as other accounts are allowed, and no more than eight dollars per month and said travel fees, for one journey shall be allowed. (*As amended by chapter 486 of the Laws of 1863.*)

§ 7. The acting superintendent shall, immediately upon the passage of this act, make an estimate of the beef, flour, pork, fuel of all kinds, rice, coffee, tea, sugar, cloth, clothing, boots, shoes, leather, fish, salt, candles, soap, lumber, grain, seeds, and every other article of use or subsistence, the annual consumption of which at the house of industry exceeds twenty-five dollars; and shall advertise under the notice of "proposals for supplies at the house of industry," for twenty days in two daily and in two weekly newspapers, having the largest circulation, published in the county, for sealed proposals to furnish the kind, quality and quantity of the articles of subsistence, estimated to be needed for the keeping of inmates of the said house of industry for six months; and at the end of every six months the said

acting superintendent shall renew the said estimate and advertisements. No purchases except those provided for in this act shall be made by the said acting superintendent.

§ 8. At the next monthly meeting of the said superintendents, after the expiration of the said twenty days, the said sealed proposals shall be opened by the said acting superintendent in the presence of at least one of the auditing superintendents, and the contract or contracts shall be awarded to the lowest bidder or bidders, who shall furnish ample security for the performance of the said contract or contracts. A guarantee shall accompany each proposal, signed by the bidder and one other responsible party, that in case said proposal is accepted, said bidder will enter into contract as required, and in case said contractor shall fail to perform his contract, it shall be the duty of the acting superintendent forthwith to readvertise for the supplies called for by the contract, in the manner prescribed in section seven of this act.

§ 9. Nothing contained in this act shall be construed as forbidding said superintendent from purchasing in open market such articles as may be necessary in the event of the neglect of a contractor or contractors to comply with their contracts, nor from purchasing articles not required to be purchased by contract.

§ 10. The board of superintendents of said county shall appoint the keeper of the house of industry, who shall be the manager of the county farm, subject to the general directions of the acting superintendent, which directions the acting superintendent shall communicate in writing whenever requested so to do by the said keeper, and said board shall also appoint a physician and all necessary officers and servants of the said house of industry, and said keeper and physician and the officers and servants respectively shall hold their offices during the pleasure of the said board. The annual salaries of the said acting superintendent, keeper and physician shall be fixed by the board of supervisors, and shall neither be increased or diminished during their term of office; except that after the expiration of the term of office of the present acting superintendent, and thereafter, the acting superintendent shall receive an annual salary of three thousand five hundred dollars, which said salary shall not be

increased or diminished during the term for which said acting superintendent shall have been elected. Said salary shall be paid monthly the same as the salaries of other county officers are paid. It shall be the duty of the acting superintendent to perform all services which he is or shall be required or authorized by law to perform by virtue of or by reason of his holding such office, and no compensation, payment or allowance shall be made to him or any other person for performing any services, appertaining to the said office of acting superintendent, except the salary aforesaid. (*As amended by chapter 216 of the Laws of 1862; chapter 418 of the Laws of 1896; and chapter 636 of the Laws of 1903.*)

§ 11. No money shall be paid nor draft delivered to any contractor or to any other person for articles furnished under the contract before mentioned or for any other property furnished by any person until the said articles shall have been actually delivered at the house of industry, and the same shall have been examined, their weight or measure ascertained by the keeper; which delivery, weight and measure shall be verified by the affidavit of the keeper, which shall state that at date thereof he has personally received, inspected and weighed or measured such articles, and that the quantity and quality is correct as charged. (*As amended by chapter 216 of the Laws of 1862, q. v.*)

§ 12. (*Repealed by chapter 593 of the Laws of 1886.*)

§ 13. The county treasurer shall pay no draft for and in behalf of the support of the poor of the county of Rensselaer, unless the same shall have been drawn by the acting superintendent of the said county, and the same shall have been countersigned by at least one of the auditing superintendents; nor shall he pay any draft of said superintendents, except to discharge a liability incurred pursuant to the provisions of this act.

§ 14. No produce of the county farm or garden, nor any of the stock kept thereon, nor any other property of whatever name or nature, upon or pertaining to the same, shall be sold by any other person than the acting superintendent aforesaid, and such sales shall be only for cash paid upon the delivery of the said property by the purchaser; nor shall any or either of said superintendents be interested, directly or indirectly, as a purchaser in any such purchases or bargains.

§ 15. The keeper of the said house of industry shall keep a book in which the labor of any and every pauper in said house of industry shall be daily noted when such labor is performed, provided it exceeds one hour in duration, together with the kind of labor, whether it be on the farm, or in the domestic labor of the kitchen or otherwise; unless otherwise ordered by the board of supervisors.

§ 16. The physician to the said house of industry shall be required to keep a book in which shall be entered the name, age, sex, nativity, name of disease, date of commencement, date of discharge and termination of the disease of every pauper inmate requiring medical attendance, which book shall be subject to the control and inspection of the board of superintendents.

§ 17. At the commencement of every annual meeting of the board of supervisors, the said superintendents shall report, in the manner now required by law, their doings as such officers, and shall lay upon the table of the clerk of said board all their books, vouchers, memorandums, and all other papers relating to the administrations of the affairs of said house of industry, together with any suggestions they may see fit to make for its improvement, or the condition of the pauper inmates of the same.

§ 18. All laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.

AN ACT to amend an act entitled "An act relating to the support of the poor of Rensselaer county," passed April thirteenth, eighteen hundred and sixty.

Chapter 216, Laws of 1862.

Section 1. (*Amends § 10 of Chap. 344 of the Laws of 1860, q. v.*)

§ 2. (*Amends § 11 of Chap. 344 of the Laws of 1860, q. v.*)

§ 3. It shall be the duty of the said acting superintendent to grant the necessary temporary relief to poor persons residing in the city of Troy, whose relief would be by law a county expense, in the same manner as town overseers of the poor are now required to grant relief to poor persons residing in their respective towns, and under the same restrictions of law, so far as the same shall be applicable, as said town overseers now are, excepting the compensation for such services, which shall be fixed by the board of supervisors of the county; and also excepting

that said acting superintendent shall not be required to apply to any officer for authority. The expenses incurred for temporary relief under this section shall, in no case, exceed the cost of maintaining the person relieved at the house of industry, for the same length of time as that for which relief is granted, except when the removal of such person to said house of industry shall be clearly impracticable; and the said acting superintendent shall keep a book of record in his office, in which shall be entered in full the name and residence of each person receiving any relief or assistance, together with the date and amount of the same, and also the manner or means by which such relief or assistance has been rendered; such book to be free and open for the inspection of any taxpayer of the county, from nine o'clock in the forenoon until twelve o'clock at noon, and from two o'clock until four o'clock in the afternoon of each and every day in the year, Sundays and legal holidays excepted.

AN ACT to amend chapter three hundred and forty-four of the laws of eighteen hundred and sixty, entitled "An act relating to the support of the poor of Rensselaer county," passed April thirteenth, eighteen hundred and sixty, and to define the term of office of the acting superintendent and auditing superintendents of the poor now in office under said act.

Chapter 590, Laws of 1875.

Section 1. (*Amends § 1 of Chap. 344 of the Laws of 1860, q. v.*)

§ 2. The acting superintendent of the poor shall keep a book in which he shall enter consecutively the names of the persons upon whom he or said board of superintendents gives any order for the relief of the poor, the names of the persons to whom said orders shall be given, and their place of residence, for what said orders are given, the amount thereof, and the dates of giving said orders. The said orders shall be in writing, and shall name the article or articles to be furnished, and they shall not authorize or permit to be furnished on such order any spirituous or intoxicating liquor, wines, ale or beer. No account for provisions, clothing, fuel or other articles furnished by any person upon said orders shall be audited or paid, unless the original order or orders shall be attached to said account and accompanied by an

affidavit made by the person or persons presenting or claiming the same, that the same identical articles mentioned in said order or orders have been furnished to the person or persons to whom the said orders had been given and that the prices charged therefor were reasonable, nor shall the county treasurer pay any such account when audited, unless the original order verified as herein required, and having attached thereto the audit and allowance by the said acting and auditing superintendents as a board, shall be filed with said county treasurer. Nor shall said board audit or allow any other bill, claim or account whether arising out of a written contract or otherwise, unless the same shall be made out in items with the dates when the services claimed were rendered, or the goods, wares or supplies furnished, with a statement showing whether or not the same is claimed under any and what contract in writing, and verified by the claimant to the effect that the said bill, claim, account and statement are in all respects correct and true. No account, bill or claim shall be paid by the acting superintendent or the auditing superintendents as a board, or otherwise, nor shall the same be paid by the county treasurer until made out, verified and audited according to the provisions of this section, and certified by said board of superintendents. All monies now in the hands of said board or said acting superintendent, shall be forthwith paid over to the county treasurer, and all monies hereafter received from any source by said board or said acting superintendent, in their or his official capacity shall be immediately paid over to the county treasurer to be held and used for the support of the county poor as now provided by law, anything in the act hereby amended to the contrary notwithstanding. Such vouchers filed by such county treasurer shall at all reasonable times be subject to examination by any taxpayer of said county.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

AN ACT to abolish the offices of auditing superintendents of the poor in Rensselaer county, to confer their powers and duties on the acting superintendent, and to authorize the employment of additional clerks in his office.

Chapter 236, Laws of 1906.

Section 1. The office of the auditing superintendent of the poor of the county of Rensselaer whose term expires on December thirty-first, nineteen hundred and six, is hereby abolished on that date, and all his powers and duties shall be exercised and performed by the auditing superintendent of the poor whose term of office expires on December thirty-first, nineteen hundred and seven, until the expiration of his term of office. The office of the auditing superintendent of the poor whose term expires on December thirty-first, nineteen hundred and seven, is hereby abolished on that date, and from and after the first day of January, nineteen hundred and eight, all the powers and duties of the auditing superintendents of the poor of the county of Rensselaer and of the board of superintendents of such county, under existing laws, shall be exercised and performed by the acting superintendent of the poor of such county. All bills contracted by said acting superintendent of the poor in the discharge of his office shall be audited by the board of supervisors after the first day of January, nineteen hundred and eight.

§ 2. The acting superintendent of the poor of such county may employ additional clerks to assist him in the discharge of his official duties at an annual expense not exceeding one thousand dollars.

SENECA COUNTY.

AN ACT to regulate the expenditures for poor purposes in Seneca county.

Chapter 145, Laws of 1868.

Section 1. The board of supervisors of the county of Seneca shall hereafter, at their annual meeting, audit and settle all accounts of the superintendents of the county poorhouse of said county, the accounts of the overseers of the poor of the several towns of said county, for services and expenses incurred by them for the temporary relief of the county poor of said county, and the accounts of all other persons for like services rendered, or for supplies furnished and for medical attendance by physicians for the poor, chargeable to said county.

§ 2. The board of supervisors for said county shall have power to contract with any person or persons for supplies to be furnished to the poor, chargeable to said county as county paupers of said county.

§ 3. The superintendents of the poor of said county of Seneca are hereby constituted a subordinate board to assist in auditing the poor expenses of said county, and shall be under the direction and control of the board of supervisors of said county.

§ 4. The superintendents of the poor of said county, the keeper of the county poorhouse and the overseers of the poor of the towns in said county, shall not, nor shall either of them, be directly nor indirectly interested in any supplies furnished or ordered by them, or either of them, and no accounts shall be audited by said board of supervisors for services rendered or supplies furnished for the poor of said county, unless the same shall be made out in items, with dates, stating the time and nature of the services rendered, the quantity and quality of the articles furnished, and the time when the same were delivered, duly verified according to the form prescribed by law, applicable to accounts audited by boards of supervisors.

§ 5. The superintendents of the county poor of said county shall, in each year, render under oath to the board of supervisors of said county, at its annual meeting, a true and faithful statement of all moneys received by them from said county, and from the commissioners of emigration for the support of county paupers, of all the products raised on the county farm belonging to the said county poorhouse, and of the disposition which has been made of the same, and of all labor which has been performed by the county paupers, or of any property belonging to the county, with the manner in which, and the persons for whose benefit, the same has been performed.

§ 6. It shall be the duty of each overseer of the poor in said county of Seneca to enter in a book, to be by him kept for that purpose, a full and accurate statement of all sums of money by him received or expended as such overseer of the poor, with the date of the receipt and disbursement thereof, the name, age and sex of each poor or indigent person relieved by him, and the cause of pauperism or indigence in each case, so far as the

same can be ascertained, and the items of expenditure in the relief of each such poor or indigent person. It shall be the duty of each of said overseers of the poor to make and furnish the supervisor of his town, within one week preceding the annual meeting of the board of supervisors, a just and accurate transcript of all the statements and entries so required to be made by him, for the year ending on the last day in October in each year; and it shall be the duty of such supervisor to whom such statement shall be furnished, to deliver the same to the clerk of the board of supervisors of said county, on or before the first day of the meeting of said board in each year.

§ 7. The board of supervisors of said county shall have power to direct, by resolution, to be entered on its minutes, in relation to and the manner in which the supplies for the county poor house, or any portion thereof, shall be purchased, obtained or contracted for, and also as to the amount and manner of affording temporary relief by the overseers of the poor of the several towns in said county, and when any such direction shall be given by said board of supervisors, the same shall be observed and carried out by the said superintendents and overseers of the poor.

§ 8. The committee of the board of supervisors, appointed at their annual session, on the accounts of superintendents and overseers of the poor shall, on the first Wednesday in February in each and every year, meet at the county poorhouse with the superintendents of the poor, and the superintendents, and said committee of the supervisors shall jointly constitute an auditing board to audit and settle all accounts for temporary relief furnished to the poor outside of the poorhouse, from the first day of November preceding the time of meeting of said auditing board. The said auditing board shall elect one of their number chairman, and also a clerk from their own number, and the said clerk shall, under the direction of the board, draw checks upon the county treasurer for all bills audited which shall be paid by the county treasurer, the same as checks drawn by order of the board of supervisors. (*As amended by chapter 12 of the Laws of 1878.*)

§ 9. All provisions of law, so far as they are inconsistent with the provisions of this act are hereby repealed.

SPECIAL STATUTES RELATING TO THE CARE OF THE POOR IN EACH OF THE FORTY-FIVE CITIES OF NEW YORK STATE.

ALBANY, ALBANY COUNTY.

(Note.—Commissioner of charities appointed by the mayor for the term of two years at an annual salary of \$2,500.)

Chapter 298, Laws of 1883.

TITLE XIV.

CITY PHYSICIAN.

§ 1. (*Repealed by chapter 580 of the Laws of 1900.*)

§ 2. It shall be his duty to visit the almshouse at least once in each day, to attend and administer medical assistance to the sick in the almshouse, hospital, pesthouse and other permanent or temporary buildings now or hereafter to be erected on the almshouse farm, and direct the manner of treatment of said sick.

§ 3. He shall have power to appoint one resident physician at a salary of not more than two hundred dollars per annum, payable monthly, from the fund raised for the support of the almshouse, to assist him in the discharge of his duties at said almshouse or hospital.

§ 4. He shall report on the first day of every month, and oftener if he deem it necessary, in writing, to the mayor, of the pauperism in the almshouse, the persons admitted to the pesthouse, lunatic asylum and hospital, when sent and by whom.

TITLE XV.

SUPERINTENDENT OF THE ALMSHOUSE.

§ 1. The superintendent of the almshouse shall reside at the almshouse in the city of Albany and shall receive a salary of two thousand five hundred dollars a year, and shall provide his own table and that of his assistants who reside at the almshouse, from the money appropriated to the support of the almshouse. He shall give his undivided personal attention to the duties of his

office and shall be engaged in no other trade, business, occupation or employment.

§ 2. He shall have the charge, care and control of the poor and insane committed to the almshouse and of the real and personal property now used for such purposes, and of the farm and appurtenances thereto belonging and appertaining. And all persons arrested upon the charge of insanity shall be sent forthwith to and confined in the asylum attached to the Albany almshouse, and it is hereby made the duty of the superintendent of the almshouse to transfer the said person or persons to and from the said asylum when directed so to do by either of the police magistrates or the chief of police.

§ 3. All moneys appropriated to the support and maintenance of the almshouse in the city of Albany shall be paid over to the chamberlain of the city of Albany, who shall pay the same out only after an investigation and audit, by the board of audit, as hereinbefore provided, of the claims presented, and after the certificate of the superintendent shall have been given as hereinafter provided for.

§ 4. Said superintendent shall appoint a deputy, with the approval of the mayor, who shall receive a salary at the rate of one thousand two hundred dollars a year, and a clerk who shall receive a like salary. The said deputy and clerk shall hold their positions during the pleasure of the superintendent. The said clerk shall have his office in the rooms assigned to and occupied by the overseer of the poor in the city of Albany. The superintendent of the almshouse shall also have power to employ such assistants as will enable him to execute the duties of his office, whose respective compensation shall be fixed by him at a sum not exceeding in the aggregate six thousand dollars per annum. (*As amended by chapter 302 of the Laws of 1885, and chapter 91 of the Laws of 1903.*)

§ 5. He shall also employ, as far as possible and without compensation to them, the paupers confined in the almshouse, especially in the cultivation of the poorhouse farm. It shall be the duty of the superintendent to purchase all supplies for the almshouse in such quantities, at such times and from such persons as he shall decide to be most for the interests of the city; and he shall regulate the consumption and distribution of the same, and

direct the doing of all work and the making of all repairs incident to the duties of his office and the care of the property committed to his charge.

§ 6. All claims for such supplies and other expenditures by him shall be presented as hereinbefore provided; provided, however, that no such account shall be audited or paid unless it shall be accompanied by a certificate of the superintendent to the effect that the work charged for therein has been actually done and the materials mentioned therein have been actually furnished, and that such work and materials were reasonably worth the price charged therefor. The bill or claim shall be verified by the claimant as other bills are required to be.

§ 7. It shall be the duty of the superintendent of the almshouse to make a quarterly statement to the common council, showing, in tabulated form, the age, sex, nationality and number of paupers, insane and sick in the almshouse, each day of the month, the total number of weeks' board and lodging furnished in the almshouse, almshouse asylum and almshouse hospital respectively, and the cost per day of maintaining each pauper, patient and insane person in the almshouse. The quantity and quality of each kind of food and provisions used in the almshouse, and the price therefor, and the persons or firms from whom the several articles were purchased. The kind and amount of repairs made, and by whom the same were made, and the cost thereof. The amount raised on and received from the poorhouse farm, and disposition thereof. The number of persons employed, their occupation and the salary, wages or compensation paid to each. Also such further statistical information as the superintendent is now, or may be required by law or the ordinances of the common council to furnish.

TITLE XVI.

Section 1. (*Repealed by chapter 580 of the Laws of 1900.*)

§ 2. (*Repealed by chapter 580 of the Laws of 1900.*)

§ 3. Whenever it shall become known to the said overseer of the poor that any person who is blind, lame, old, impotent, insane or decrepit, or is in any other way disabled or enfeebled so as to be unable by work to maintain himself or herself, has no visible means of support, and is or is about to become a

charge on the public, it shall be the duty of the said overseer diligently to investigate and inquire as to the antecedents of such person, whether he or she has any relatives legally bound to support such person, what his or her last place of residence was, and from what place he or she came into Albany county, and for what time he or she has resided or been in Albany county. All of which facts, together with a statement of the relief granted or of the disposition made of the case, shall be entered fully in a book to be kept by the said overseer of the poor, in which shall be also entered the name, nationality, color and age of such person. If it shall appear that such person has relatives legally bound to care for and support him or her, the overseer of the poor shall take proceedings to compel them to support such person. If from such investigation and inquiry it shall appear that such person has no legal settlement in Albany county, it shall be the duty of the overseer of the poor, as soon as the condition of the applicant will permit, to take such proceedings as are authorized by law to relieve Albany county from his or her care and support. He shall have power, by a commitment in writing, to send to the several hospitals of the city of Albany such of the sick poor as he may think proper, provided that the expense of their care and support in such hospitals shall not exceed the amount appropriated for such purpose; and such hospitals shall be paid quarterly, upon the certificate of said overseer, accompanied by the commitment and an affidavit of the proper officer or agent of the hospital, showing the date when each person was received and the date when each person died or was discharged, and the time during which each person was cared for therein, such sum per week as may be agreed upon by said overseer, with the approval of the mayor of the city, with each of said hospitals, for the care and maintenance of the sick poor confided to their care. It shall further be the duty of each hospital to notify the said overseer of the poor, in writing, of the date of the death or discharge of each person committed to it under the provisions of this title, within twenty-four hours after such death or discharge, and for a neglect to do so shall forfeit any claim for compensation for caring for such person. (*As amended by chapter 302 of the Laws of 1885.*)

§ 4. The said overseer shall have power, within the limit of the amount allowed him under the provisions of this title, to give relief to the poor in cases of temporary emergency, but not in continuous or periodic aid or support of such poor, and no sum exceeding ten dollars shall be paid or applied to the use of any one person or his or her family in any one year, until the special circumstances of such case have each time, when further aid or assistance is afforded, been presented in writing to the mayor of said city, and he has indorsed thereon his approval thereof; whenever it shall appear to said overseer that any person applying for relief is in such condition as that such person cannot provide for himself or herself, or his or her family, and in the judgment of such overseer he or she can be more comfortably supported at the almshouse, it shall be the duty of said overseer to commit and cause the removal of such person and his or her family to the said almshouse or other proper place. (*As amended by chapter 302 of the Laws of 1885.*)

§ 5. (*Repealed by chapter 580 of the Laws of 1900.*)

§ 6. The said overseer shall make monthly, to the common council, a just, full and true report and account to be verified by him of all moneys and property coming into his hands, and of the manner of the expenditure and disposition thereof, and if any part of said expenditures are in coal orders or store orders, the amount of coal orders and store orders shall be stated and the names of the persons who are therein required to furnish the supplies. He shall also separately state the amount represented by orders issued more than three months prior to such report which are outstanding at the date thereof, and the amount represented by outstanding orders issued within the three months preceding the date of such report. No orders shall be issued on any store or place in which liquors are sold by the glass; and no orders shall be issued in excess of the amount for which the overseer's requisitions have been allowed, after deducting from such amount all other expenses, disbursements and liabilities contracted to be paid therefrom. The overseer shall retain in his hands sufficient money to pay such orders until the end and expiration of three months after the date of their issue, and thereafter he shall, at the time of presenting his monthly reports

to the common council, repay the amount, representing orders not redeemed within three months after their date, to the chamberlain, who shall credit the same to the appropriation for the poor. Said orders shall be dated when given, and shall have clearly printed across their face the following words: "This order becomes void if not presented for payment within three months after the date of its issue," and unless presented for payment to the overseer of the poor within such three months it shall be void and shall not be paid. It shall be a misdemeanor for the overseer of the poor to incur any expense, pay any money, or issue any orders in excess of the amount allowed to him under the aforesaid requisitions. (*As amended by chapter 302 of the Laws of 1885.*)

Chapter 473, Laws of 1906.

ARTICLE X.

DEPARTMENT OF CHARITIES.

Section 170. Commissioner; deputy; overseer of poor.

171. Powers and duties of commissioner.

172. Powers and duties of overseer.

173. City owner of supplies.

Section 170. Commissioner; deputy; overseer of poor.—The commissioner of charities may appoint, to hold office during his pleasure, a deputy, overseer of the poor, and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the commissioner or of a vacancy in the office, the deputy shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner, deputy and overseer of the poor, before entering upon the discharge of the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 171. Powers and duties of commissioner.—The commissioner of charities shall have the general care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, orphan asylums and all other similar institutions, the control or government of which belongs or is intrusted to the city. He shall make regulations for the expendi-

ture of the moneys appropriated for the support or relief of the poor and for the general supervision of such expenditures. He shall investigate fully the circumstances of all persons alleged to be destitute or without proper means of support, or without proper guardianship, or who are in danger of becoming or are a public burden in any respect; and also the circumstances of their relatives or other persons whose duty it is to relieve or maintain them or contribute to their support; also to institute and prosecute any and all actions and proceedings authorized by law to compel any and all persons liable for the care, maintenance, education or support of any such destitute or dependent persons to contribute thereto, and to indemnify the city and public against any expenditures on account thereof. He shall also prosecute any and all bonds, undertakings or recognizances given for any of the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such persons shall be deposited by the commissioner with the city treasurer as a trust fund, and the same shall be applied and expended by the said commissioner for the purpose on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be treated as an unexpended balance of money appropriated for such department. The commissioner shall furnish to and file with the comptroller a monthly statement in detail of all receipts and expenditures, including the aid and relief granted by him, with the names and addresses of all recipients.

§ 172. Powers and duties of overseer.—The overseer of the poor, subject to the regulations and supervision of the commissioner, shall possess all the power and authority of overseers of the poor in the several towns of the county in which the city is situated, and be subject to the same duties, obligations and liabilities. The overseer and his assistants shall have the power to examine under oath any person applying for relief.

§ 173. City owner of supplies.—The city shall continue to be the owner of supplies furnished to any poor person or applicant for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for

money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 174. Liability of city.—Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

AMSTERDAM, MONTGOMERY COUNTY.

(Note.—Overseer of the poor elected for the term of two years at a salary of \$600.)

Chapter 131, Laws of 1885.

TITLE IV.

§ 53. It shall be the duty of the overseer of the poor to visit the poor of said city at their several places of residence, and examine into their circumstances, and ascertain to what extent they should be entitled to permanent or temporary relief. He shall devote his whole time to the discharge of his public duties. He shall have the sole and exclusive care and management of the poor of said city, subject to the same restrictions and liabilities as overseers of the poor of towns of the county of Montgomery, except as modified by this act, and for all purposes relating to the maintenance and support of the poor, the city shall be one of the towns of the county of Montgomery.

1. The said overseer of the poor shall keep his office in some central and convenient part of the city, to be approved by the common council, and he shall at the first regular meeting of the common council in each month report to the common council under oath, in detail, all appropriations, expenditures, temporary relief and allowances made by him as such officer during the month preceding; which report shall specify the name of each person relieved, the quantity, quality and price of each article ordered or furnished, and from whom obtained; said report shall also contain the names of all persons to whom meals and lodgings have been furnished, the number of such meals and lodgings, from whom obtained, and the cost of the same. The same to be filed with the city clerk.

2. The said overseer of poor shall, within ten days after being notified of his election and before entering upon the duties of his office, file with the city clerk of Amsterdam a bond to said city with two sufficient sureties, to be in an amount and to be approved by the common council for the faithful discharge of his official duties and a correct accounting of any funds or moneys to be received and disbursed by him.

3. The said overseer of poor shall require all persons making applications for relief who are residents of said city to make such application in writing, which shall be filed and preserved by said overseer of poor of the city and handed to the city clerk monthly.

4. The said overseer of the poor of said city of Amsterdam shall possess all the powers and authority, subject to any modification therein, of overseers of the poor of the several towns of the state, in relation to the support or relief of indigent persons and the binding out of children.

5. He shall have the powers superintendents of the poor now have in relation to lunatics and insane persons within said city, and to provide for their safekeeping in a proper place in such city, or to send them to a lunatic asylum, and shall have the same powers within said city as overseers of the poor and county superintendents of the poor now have in relation to bastards.

6. All charges and accounts against said city for services rendered, acts done or means furnished under and by virtue of section fifty-three of this act shall be audited by the common council of the city in the same manner and at the time similar accounts are audited in the several towns in the county of Montgomery by the respective town boards, and all accounts properly chargeable against the county of Montgomery shall be audited by the board of supervisors of said county in the same manner as the accounts of towns and town officers are by them audited and allowed.

7. The overseer of the poor of the city of Amsterdam, in performing the duties of his office under the provisions of this act and the laws of this state, shall not furnish to any person whatever, groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall be interested; nor shall he be in-

terested in any contract for the purchasing of such groceries, provisions, medicines, fuel or property, nor shall he receive any commission for any goods or articles or relief furnished, or on any order given by him for any such goods, articles or relief, and for a violation thereof shall be removed by the common council after opportunity to be heard in his own defense.

8. The overseer of the poor shall promptly report and refer all cases requiring medical or surgical relief to the physician or one of the physicians appointed or employed by the common council to render such relief. (*As amended by chapter 188 of the Laws of 1903.*)

9. The overseer of the poor of the city of Amsterdam shall have power to administer to and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed willful perjury.

10. Said overseer of the poor shall have the same power to settle cases of bastardy as is now conferred upon superintendents of the poor of the counties of this state.

11. The overseer of the poor of the city of Amsterdam shall receive an annual salary of six hundred dollars, payable quarterly.

AUBURN, CAYUGA COUNTY.

(Note.—Commissioner of charities appointed by the mayor for two years. Compensation fixed by board of estimate and control.)

Chapter 185, Laws of 1906.

TITLE VII.

CHARITIES AND POLICE.

Section 68. The commissioner of charities shall possess the powers and execute the duties of overseer of poor in towns, and may appoint a superintendent of charities and such assistants as the board of estimate and control shall prescribe and the common council approve, to aid in the discharge of his duties. The superintendent of charities shall investigate the character, habits, location of residence, condition and necessities of all applicants for assistance and relief, the result of which shall be recorded in a book to be kept for that purpose. He shall hold office during

good behavior and shall not be removed by the commissioner of charities until after an opportunity is given him to be heard upon a notice of six days accompanied by a copy of the charges preferred.

§ 69. The commissioner of charities shall adopt uniform rules and regulations by and under which assistance or relief shall be administered and shall prescribe the manner in which orders therefor shall be issued and signed. He shall have the power, when practicable, to furnish temporary employment to indigent persons applying for relief, who are chargeable to the city of Auburn, agree with such person on the compensation to be paid therefor, and pay the same in money. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed; if any person to whom the same shall be furnished, shall sell or exchange the same for money or intoxicating liquor, or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 70. All commitments to the county poorhouse, or to the state lunatic asylum, and all proceedings in relation to father or mother deserting or absconding from their children, or husband from his wife, leaving any of them chargeable or likely to become chargeable upon the public for support, in the cases provided by law, shall be instituted, made and issued in the name of the commissioner of charities of the city of Auburn. All proceedings in bastardy cases shall be instituted by and in the name of said commissioner of charities before either the city judge or recorder, who shall have and possess all the powers and jurisdiction of a justice of the peace in such cases. Upon the return of the process, the officer issuing the same shall immediately call to his aid the other of said officials, or in case of his absence or inability to act, then the justice of the peace, whereupon they shall proceed to dispose of the case in the manner provided by law.

§ 71. On and after the date this act takes effect all charges, claims and demands heretofore by any statute of this state or otherwise made charges against the town of Auburn, shall be city charges and be presented, audited and paid in accordance with the provisions of this act for claims against the city of

Auburn; and the town board of the town of Auburn shall not meet for the purpose of auditing accounts or allowing or rejecting charges, claims and demands.

§ 72. On or before the first day of September in each year, the commissioner of charities shall submit to the common council, an annual report of the affairs of his department.

BINGHAMTON, BROOME COUNTY.

(Note.—Overseer of the poor elected for a term of two years at a salary of three dollars per diem.)

Chapter 214, Laws of 1888.

TITLE IV.

§ 9. Overseer of the Poor.—The overseer of the poor shall possess all the powers and authority of overseers of the poor in the several towns of this state and shall be subject to the same duties, obligations and liabilities. He shall receive a salary of three dollars per day for each day actually and necessarily employed in the performance of his duties, to be audited and allowed by the board of city auditors in the same manner as other city charges for the support of the poor are now audited and allowed. (*As amended by chapter 858 of the Laws of 1895.*)

BUFFALO, ERIE COUNTY.

(Note.—Overseer of the poor elected for a term of four years at a salary fixed by the common council.)

Chapter 105, Laws of 1891.

TITLE XIII.

DEPARTMENT OF POOR.

§ 349. There shall be a department of poor, of which the overseer of the poor shall be the head. He shall be elected as provided by this act, and shall hold office for the term of four years. (*As amended by chapter 805 of the laws of 1895.*)

§ 350. The overseer shall have charge and control of all expenditures of money by the city for the relief of the poor.

§ 351. The overseer shall appoint and may at pleasure remove such subordinates as the common council may by ordinance provide for, and the salaries of such subordinates shall be fixed by ordinance of the common council.

§ 352. The overseer shall keep full records of all applications for city aid or relief, in suitable books to be provided for that purpose, and to be properly tabulated and indexed. He shall grant no aid or relief until after a strict investigation, made as herein-after provided, except in case the overseer is satisfied that life or health will be endangered by any delay, and in that event aid must be furnished immediately, and the investigation made within twenty-four hours. The police department, on the requisition of the overseer, shall detail not less than two nor more than four special policemen in each year, for conducting such investigation, and other services in the department of poor, and the expenses of such police investigators, including necessary car fares and stationery, shall be expenses of the department of police, and estimated and defrayed as such. The police investigators shall be chosen with regard to their special fitness for such work. In all cases of application for aid or relief, the police investigators shall, under the direction of the overseer, immediately investigate and report with recommendation to the overseer and to the superintendent of police. It shall be the duty of the overseer to ascertain in each case whether such applicant will become a permanent charge upon the city, and, if so, to certify the same in the proper book of records, whereupon the necessary steps shall be taken by him to cause such applicant to be placed in the proper abode provided by law. The primary investigations in cases requiring hospital aid or treatment may be made by a city physician, in place of a police investigator, and his report shall be sufficient. The overseer may make such further personal examination in any case as he deems expedient, and may, in his discretion, refuse assistance in any case. The overseer may grant assistance, except hospital treatment, to persons contrary to the report of the investigating officer but in all such cases he shall enter fully in his records his reasons for so doing. No person shall receive assistance continuously for more than six months succeeding the report of an investigating officer, without

a reinvestigation and new report made in like manner as is hereinbefore provided.

§ 353. Except in case of extreme exigency, the causes for which shall be fully entered in the overseer's records, and then for not more than* the period of one month, it shall not be lawful for the overseer to grant aid or relief to any person with whose support the city is not chargeable under the general poor laws of the state; but he shall refer all such persons to the proper state or county officer.

§ 354. The overseer shall prepare monthly a full statement showing the amount and kind of assistance granted during the previous month. He shall make a report to the common council prior to the third day of January in each year, which shall contain a summary of such monthly statements, the monthly statements, the reports of the investigating officers, and all the books and records pertaining to the department shall be systematically kept, and shall be open for examination at all times by any taxpayer of the city, and by officers of the police department, and the names and residences of all persons relieved, with other pertinent facts, shall be kept in such books and records. The overseer shall also furnish to the mayor a daily report of the aid and relief granted by him, with the names and addresses of all recipients. (*As amended by chapter 72 of the Laws of 1892.*)

§ 355. No order for aid and relief of any kind shall be given to any person under the age of thirteen years at the office of the overseer, whether it be for that person or for any other person; nor shall any such order be so given to any person of thirteen years or over and under the age of eighteen years, unless the overseer shall be satisfied that great hardship would be caused by any delay in giving such order, and in that event he shall make special entries in his books of the facts bearing on the question, as stated to him at the time, and also as disclosed by an investigation which shall immediately be made. (*As amended by chapter 72 of the Laws of 1892.*)

§ 356. The aid and relief granted under this title shall be classified as follows: (a) Orders for provisions, boots and shoes, fuel, and other necessary articles to be furnished to applicants

* So in original.

requiring temporary aid, designated "out-door aid." (b) Burial orders. (c) Orders for hospital aid or treatment, designated "in-door relief." In-door relief in abodes provided by law for cases requiring permanent assistance, shall be granted only by the superintendent of the poor of Erie county, or other proper state or county officer under the general laws of the state, and all cases requiring such relief shall be referred by the overseer to the proper state or county officer.

§ 357. Orders for hospital aid or treatment shall only be made upon the recommendation of a city physician, specifying the nature of the disease or injury, or, if the exigency of the case is such that a formal recommendation can not be obtained before the order is given, the case shall be personally examined and the order approved or disapproved by a city physician within forty-eight hours thereafter.

§ 358. The overseer shall contract for burials, and also for furnishing boots, shoes and fuel upon the orders furnished by him, with suitable persons, under ordinances to be enacted by the common council.

§ 359. Orders of the overseer for provisions, boots and shoes, or fuel or other outdoor aid, shall specify what nature of articles shall be furnished on the same, and the value thereof. Except where contracts have been made as provided in the foregoing section, the order shall be drawn in blank as regards the person or firm drawn upon, and they shall be valid evidence of the indebtedness against the city, in the hands of the person or firm who shall accept and fill the same.

§ 360. It shall be a misdemeanor for any person or firm to furnish beer, liquors or intoxicating drinks of any kind on an order of the overseer of the poor, or to buy such order from the person to whom it was issued, or from any other person, before it has been accepted and filled, or to furnish any article not specified or embraced therein. Such orders shall be drawn with proper blank spaces for the following entries, which shall be made thereon by the persons accepting and filling them: (1) The name of the person presenting the order; (2) the name of the person accepting it; (3) the amount and kind of articles furnished, with the prices thereof; and they shall in all cases be returned by the acceptor, or his agents or assigns, to the over-

seer, to be examined by him and entered in his books of records, and to be countersigned by him before they shall be paid by the city treasurer.

§ 361. The city physicians appointed under section two hundred and thirty-four of this act shall render all necessary medical services to indigent sick persons within their respective districts, under rules and regulations prescribed by the overseer of the poor and approved by the board of health, and subject to his directions. The officers in charge of the several police precincts of the city may issue to the several city physicians orders to visit any indigent sick person residing within their respective districts, and it shall be the duty of said city physician to so visit any such person upon receiving such order, and any indigent sick person may apply to any officer in charge of a police precinct for such an order.

§ 362. The overseer shall furnish the city physicians with official prescription blanks, which shall be used by the city physicians in prescribing medicines for the indigent sick attended by them on the order of the overseer or the officers in charge of the several police precincts, under rules and regulations prescribed by the overseer. Said prescription blanks shall be signed by the physician issuing them and shall have the same force and effect, and be accepted and filed* in the same manner, and shall be returned and paid in the same manner as orders of the overseer for provisions issued under section three hundred and fifty-nine of this act. Such prescriptions shall be returned to the overseer of the poor within thirty days for payment.

§ 363. The city physicians shall furnish to the overseer reports weekly and whenever required by the overseer, of the names and addresses of all persons attended by them, with the nature of their ailments, the number of visits made to each, and the number and kind of prescriptions given to them.

§ 364. Any fraud practiced, or false representation made by an applicant for city aid or relief, or by any other person, to procure aid or relief to be given, or to procure any order for outdoor aid to be accepted or filled, or to be paid by the city, or any willful act of any city officer or other person, designed to impede or in any way to interfere with the just and proper administration of this department, shall be a misdemeanor.

*So in original.

COHOES, ALBANY COUNTY.

(Note.—Overseer of the poor appointed by the common council for a term of two years at an annual salary of \$800.)

Chapter 671, Laws of 1892.

TITLE V.

§ 41. The overseer of the poor.—The overseer of the poor shall, subject to the provisions of this act, have the same powers, with the same restrictions and liabilities, as overseers of the poor of towns in the county of Albany; and, for all purposes relating to the maintenance and support of the poor, the city shall be treated as one of the towns of said county. Said overseer of the poor shall occupy an office to be provided by the common council, in some central and convenient part of the city, and shall, at the first regular meeting of the common council in each month, report to it in writing, in detail, under oath, all appropriations, expenditures, temporary relief and allowances made by him as such officer during the last preceding month. Said report shall specify the name of each person relieved, with the quantity, quality and price of each article furnished, and from whom obtained; it shall also contain the names of all persons to whom meals and lodgings have been furnished, and the number of such meals and lodgings, from whom obtained and the cost of the same. Said report shall be accompanied with the written orders given by the aldermen, as mentioned in section forty-four of this title, and with a statement of all applications not granted and the reasons therefor.

§ 42. Said overseer shall possess all the powers and authority, subject to any modifications herein, of overseers of the poor of the several towns in this state, in relation to the support of indigent persons, the binding out of children, the safe care and keeping of lunatics, the care of habitual drunkards, the binding and contracting to service of disorderly persons, the support of bastards and proceedings to charge the parents of such bastards.

§ 43. Indigent persons and such others as shall be entitled to relief under the laws of this state, who are, or who shall become chargeable or likely to become chargeable to the city, being in said city shall continue to be supported and relieved in the manner provided by law in respect to the county of Albany. All

persons applying for any such relief shall make application in writing, which applications shall be filed and preserved by the overseer of the poor and delivered monthly to the clerk. All charges and accounts against the city for services rendered, acts done or means furnished by virtue of this and the preceding section, shall be audited by the common council in the same manner and at the same time similar accounts are audited in the several towns in the county of Albany by the respective town boards; and all accounts properly chargeable against the county of Albany, shall be audited by the board of supervisors of said county of Albany, in the same manner as the accounts of towns and town officers are audited and allowed by them.

§ 44. Said overseer of the poor shall not grant medical, surgical or temporary relief, or board and lodging for any poor or indigent person, at the expense of the city, without the written order or authority, first had and obtained, of at least two aldermen, and in such case not to an amount exceeding the sum limited in such order, nor without the written petition of the applicant. Any medical, surgical or temporary relief, or board and lodging, furnished without such order or petition, shall not be a valid claim or be recovered against the city; and said common council are prohibited from auditing or allowing any such claim or account to any person whatever. For a violation of this section the common council may remove said overseer of the poor. The common council of said city shall have the power and authority to contract for and purchase at such times and in such quantities as they shall deem necessary, for the temporary relief of the poor of said city, provisions, articles and fuel, to be delivered at certain times, at the storerooms provided as herein authorized for said overseer of the poor, and at such other places as the common council of said city shall specify, or in the case of fuel, at the houses, of said poor. Said common council shall have the power and authority to provide said overseer of the poor with a suitable building or rooms for the storage of provisions and articles obtained by the said common council for the temporary relief of the poor of said city and such offices and waiting rooms, books and furniture necessary for the proper discharge of the duties conferred upon said overseer of the poor by the provisions of this act. And said overseer of the poor

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shall furnish such provisions, articles and fuel to the poor of said city in such manner as he shall be directed to do by the common council of said city. (*As amended by chapter 551 of the Laws of 1899.*)

§ 45. Said overseer of the poor, in performing the duties of his office under the provisions of this act and the laws of this state, shall not furnish to any person whatever, groceries, fuel, medicines or other supplies belonging to himself or in which he is interested, nor shall he be interested in any contract for the purchase thereof from any other person, or receive any commission on the sale thereof, or be in anywise benefited by the furnishing of any such groceries, provisions, fuel, medicines, supplies or temporary relief, and shall each month make oath to that fact and present the same to the common council with his account. For a violation of this section the overseer of the poor may be removed from office by the common council after an opportunity to be heard in his defense. The common council is hereby prohibited from auditing any account or claim to such overseer for anything furnished in violation of this section after proof of such violation.

§ 46. Said overseer of the poor shall have power to examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed willful perjury. He shall have the same power to settle bastardy cases within said city, as is now conferred upon superintendents of the poor. He shall receive an annual salary of eight hundred dollars.

CORNING, STEUBEN COUNTY.

(Note.—Overseer of the poor appointed by the mayor with the consent of the common council for a term of two years at a salary of \$480.)

Chapter 142, Laws of 1905.

TITLE IV.

§ 41. The overseer of the poor shall have and exercise within said city the same powers and discharge the same duties as overseers of the poor of the towns of Steuben county. He shall receive a salary of four hundred and eighty dollars per annum,

payable monthly, and no other fee or reward. He shall have power to administer an oath to and examine under oath any person applying to him for relief, and false swearing upon or at such examination shall be deemed wilful perjury.

* * * * *

§ 45. It shall be the duty of the city physician to give such surgical and medical attendance and medicine to the poor of the city as may be required of such officer by the overseer of the poor or the mayor. Such officer shall receive a salary of four hundred dollars per annum, payable monthly, and no other fee or reward.

CORTLAND, CORTLAND COUNTY.

(Note.—Commissioner of charities appointed by the mayor and common council for the term of two years at an annual salary of \$400.)

Chapter 160, Laws of 1900.

TITLE VIII.

DEPARTMENT OF CHARITIES.

Section 140. Appointment of commissioner.

141. Powers and duties of commissioner of charities.

142. Monthly report of commissioner.

143. Common council to audit accounts.

144. Commissioners not to be interested in purchases.

Section 140. Appointment of commissioners.—On or before the first day of February after the passage of this act and in each alternate year thereafter, there shall be appointed in the manner provided by this act a commissioner of charities, who shall hold office for two years from the first day of February following his appointment.

§ 141. Powers and duties of the commissioner of charities.—Except as provided by this act, the commissioner of charities of the city of Cortland shall, within the city of Cortland, have and exercise the same powers and discharge the same duties, to the exclusion of any other officer, as overseer of the poor in towns. The commissioner of charities of the city of Cortland shall also by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of

the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and shall have all such other powers as are conferred on overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief, or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor, the city of Cortland shall be deemed one of the towns of Cortland county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 142. Monthly report of commissioner.—The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all appropriations, expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 143. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or meals, provisions or supplies furnished under the direction of

the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 144. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods or articles of relief furnished, or on any orders given by him for any such goods, articles or relief. For any violation of any provision of this section, said commissioner shall be removed from office by the common council and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

DUNKIRK, CHAUTAUQUA COUNTY.

(Note.—Board of police and excise performs usual duties of overseers of the poor.)

Chapter 396, Laws of 1885.

TITLE XXV.

§ 8. Hereafter all moneys received by the board of police and excise from the board of supervisors of said county, as provided in section seven of this title, and from all other sources including all fines and penalties and all excise moneys received by said board for the granting of licenses, shall be deposited with the city treasurer of said city by the said board and thereupon become a part of the general fund of said city. The sole care and maintenance of all poor and indigent persons residing within the limits of said city and town, and all such persons

within said city and town limits as are now usually looked after and cared for by the overseer of the poor of the town of Dunkirk, shall hereafter devolve upon the board of police and excise of said city and town. Hereafter all the rights, powers and duties heretofore imposed or conferred by law upon the overseer of the poor in said town and said city shall, within the bounds of said city and town of Dunkirk, be vested in and become a part of the duties of the board of police and excise commissioners, which board shall be the excise commissioners of said town. The office of overseer of the poor of the town of Dunkirk is hereby abolished. Said board of police and excise commissioners, in the performance of its duties in caring for the poor of said city and town hereafter, shall have the power of employing the police of said city to assist them with reference thereto, and also such other persons as they shall deem necessary, and all necessary bills incurred by said board for the care of poor and indigent persons and all necessary expenses arising on account thereof and by reason of the performance by said board of its said duties, together with all salaries of said policemen, members of said police and excise board and all other necessary expenses of said board shall be paid monthly by the common council of said city, as the same shall be certified to by said board. In the event that the moneys received by the said common council from the board of police and excise from all sources as heretofore provided for any year shall be insufficient to pay all the said necessary expenses of said board as heretofore defined and any deficiency whatever shall result, the said common council is hereby authorized and directed after all of its said receipts from said board of police and excise shall have been applied toward the payment of the same, to borrow in the name of the city of Dunkirk at not to exceed the legal rate of interest, and in such manner as it deems proper, an amount sufficient to meet such deficiency and to pay therewith all such unpaid portion of the necessary expenses of the said board for the current year. The common council of said city shall cause such amount to be added to the next succeeding general tax of the said city and collected therewith. It shall be the duty of the receiver of taxes of said city and town, from the money first collected by him on the general tax, to pay to the city treasurer the said amount of moneys

so borrowed by said common council, with accrued interest, on account of such deficiency, who shall thereupon and therewith pay up, cancel and discharge all indebtedness so created on account of the borrowing of the amount of any such deficiency by said common council. All charges, debts or obligations hereafter occurring or accruing to or for the benefit of the county of Chautauqua and against the town of Dunkirk, for any cause whatsoever, shall hereafter be submitted by the town board of the town of Dunkirk from time to time to the common council of the said city, in the form of itemized statements, shall thereupon be paid to the town board of the town of Dunkirk by the city of Dunkirk, by warrant drawn, pursuant to a resolution of the common council upon the city treasurer for that purpose. (*As amended by chapter 303 of the Laws of 1894 and chapter 748 of the Laws of 1895.*)

ELMIRA, CHEMUNG COUNTY.

(Note.—Commissioners of relief appointed by the mayor and common council for a term of two years, without compensation.)

Chapter 477, Laws of 1906.

ARTICLE XIII.

DEPARTMENT OF PUBLIC RELIEF.

Section 200. Commissioners of public relief, appointment of and terms of office.

201. Overseer of the poor, appointment, powers of.

202. Duties of commissioners of public safety; expenditures.

203. Persons disposing of articles, guilty of a misdemeanor.

204. City not liable on account of this act when not otherwise liable.

Section 200. There shall be a commission of public relief.—Within thirty days after this act takes effect, the mayor shall nominate and, by and with the consent of the common council, appoint two commissioners of public relief, one of whom shall hold office for the year nineteen hundred and six and until his

successor is appointed and qualifies, and the other of whom shall hold office for the years nineteen hundred and six and nineteen hundred and seven and until his successor is appointed and qualifies. After December thirty-first, nineteen hundred and six, the term of office of a commissioner shall be two years. The mayor and the two commissioners shall constitute the commission. The commissioners shall serve without pay. In the month of January in each year, the mayor shall nominate to the common council one candidate for commissioner of public relief.

§ 201. The commissioners of public relief shall appoint, to hold office during its pleasure, an overseer of the poor, who shall be the executive of said commission, and who shall possess, subject to the general supervision of the commission of public relief, all the powers and authority of overseers of the poor in the several towns of Chemung county, and be subject to the same duties, obligations and liabilities. He shall give a bond to the city in such penalty, in such form, and with such sureties as the commission may prescribe, for the faithful discharge of his duties. The overseer in office when this act takes effect shall serve out the term for which he was appointed. He shall receive such salary or compensation as may be fixed by the common council.

§ 202. The commission of public relief shall have the general care, management, administration and supervision of the charities the control or government of which belongs or is intrusted to the city; it shall make regulations for the expenditures of public money for the relief of the poor, and have the general supervision of such expenditures, and shall certify such accounts to the city supervisors for audit, as hereinbefore provided. It may investigate local economic conditions that affect the standard of living, and particularly the relations of employer and employed; and it shall be its duty to endeavor so to influence such conditions as to prevent, so far as possible, the increase of poverty.

§ 203. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money, or intoxicating liquor, or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 204. Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

FULTON, OSWEGO COUNTY.

(Note.—Commissioner of charities appointed by the mayor for a term of two years at a salary of \$350.)

Chapter 63, Laws of 1902.

TITLE X.

DEPARTMENT OF CHARITIES.

Section 180. Appointment of commissioner.

- 181. Powers and duties of commissioner of charities.
- 182. Monthly report of commissioner.
- 183. Common council to audit accounts.
- 184. Commissioner not to be interested in purchases.
- 185. Penalties.
- 186. Liquor not to be sold to city poor.

Section 180. Appointment of commissioner.—On or before the first day of May succeeding the first election under this act, the mayor shall appoint a commissioner of charities, who shall hold his office until the first day of January, nineteen hundred and four. Thereafter, the incoming mayor shall, on, or ten days prior to, the first day of January of each even numbered year, appoint his successor for the term of two years.

§ 181. Powers and duties of commissioner of charities.—Except as provided by this act, the commissioner of charities of the city of Fulton shall, within the city of Fulton, have and exercise the same powers and discharge the same duties to the exclusion of any other officer, as overseers of the poor in towns. The commissioner of charities of the city of Fulton shall also, by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and shall have all such other powers as are conferred on overseers of the poor in the respective towns of the state, and shall be

subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode, and examine into their circumstances, and ascertain to what extent they are, or may be, in need and entitled to permanent or temporary relief or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief; and false swearing during such examination shall be deemed wilful perjury. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 182. Monthly report of commissioner.—The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 183. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done, or meals, provisions or supplies furnished, under the direction of the commissioner of charities of said city, or for medicines furnished by order of the city physician, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month; all such claims, accounts and charges, shall, if approved, be audited by the common council, and paid from the poor fund of said city.

§ 184. Commissioners not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles of relief furnished, or on any orders given by him for any such goods or articles or relief furnished. For any violation of any provision of this section, said commissioner shall be removed from office by the mayor, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

§ 185. Penalties.—Any violation to whom relief shall be furnished by the commissioner of charities, or the city physician, who shall sell or exchange any article or property so furnished, for intoxicating liquor, or for money, shall be guilty of a misdemeanor; and any person who shall exchange intoxicating liquor for any article so furnished as relief or charity, knowing the same to have been thus furnished to such person as a poor person, shall be guilty of a misdemeanor.

§ 186. Liquor not to be sold to city poor.—Any person who shall, either directly or indirectly, sell, or give away, to any person who is wholly or partially a charge upon the department of charities of the city, any intoxicating liquor, shall forfeit a penalty of one hundred dollars for each offense, to be sued for and recovered by the city for the benefit of the poor fund, and in addition thereto shall be guilty of a misdemeanor.

GENEVA, ONTARIO COUNTY.

(Note.—Commissioners of charity appointed by the mayor for a term of six years. No compensation.)

Chapter 360, Laws of 1897.

TITLE VIII.

OF THE BOARD OF CHARITIES.

§ 75. The commissioners of charities shall constitute the board of charities. They shall organize before the tenth day of January next succeeding their appointment by the election of one of their number president, who shall hold office for one year and

until his successor is appointed by the board. The commissioners first appointed under this act shall be appointed for two, four and six years respectively, and thereafter on the expiration of the term of any commissioner his successor shall be appointed for the term of six years. The commissioners shall serve without pay. The board shall have the power to determine and prescribe its own rules of procedure and regulations for the conduct of its department, and shall convene in such regular or special meeting as shall be necessary to the proper performance of the duties imposed upon it.

§ 76. The board of charities shall have all the powers now conferred and imposed upon overseers of the poor of towns in the county of Ontario, and shall have such other powers and duties, not inconsistent with the provisions of this act, or the other laws of this state, as may be prescribed by the ordinances of the common council. The board of charities shall appoint, to hold office during its pleasure, an agent who shall receive compensation as now provided by law for overseers of the poor in towns, to be approved by the board of charities and audited and paid by the county of Ontario in like manner as overseers of poor in said county, and who shall, under the direction and control of the board, dispense alms and relief to the poor within the city, and administer any charities committed to the jurisdiction of the board. (*As amended by chapter 614 of the Laws of 1899.*)

§ 77. The overseer of the poor shall give a bond in such form, for such amount, and with such sureties as shall be prescribed by the board of charities for the faithful performance of his duties, and he shall have power to examine, under oath, any person applying for relief.

§ 78. Any person to whom relief shall be furnished by such board, who shall sell or exchange any article or property furnished him by the board for intoxicating liquor or for money, shall be guilty of a misdemeanor; and any person who shall exchange intoxicating liquor for any article so furnished as relief or charity, knowing the same to have been thus furnished to such person as a poor person, shall be guilty of a misdemeanor.

GLOVERSVILLE, FULTON COUNTY.

(Note.—Commissioner of charities elected for a term of two years at a salary of \$750.)

Chapter 275, Laws of 1899.

TITLE XII.**COMMISSIONER OF CHARITIES.**

- Section 225. Commissioner of charities, his powers and duties.
226. Salary, oath, bond, et cetera, of commissioner.
227. Visitation and care of poor.
228. Application for relief.
229. Monthly report to common council.
230. Charities accounts and the audit thereof.
231. Disbursement of funds.
232. Commissioner not to be interested in furnishing supplies, et cetera.
233. Report of balance of charities fund.
234. Employment of physicians.

Section 225. Commissioner of charities, his powers and duties.
—Except as otherwise provided by this act the commissioner of charities of the city of Gloversville shall have and exercise within said city the same powers and discharge the same duties to the exclusion of all other officials as overseers of the poor in the several towns of Fulton county, except the town of Johnstown. Said commissioner shall also possess all the powers and authority of the overseer of the poor in the several towns of the state in relation to the support or relief of indigent persons and the binding out of children, except as modified by this act; and shall have and exercise all such other powers and duties as are conferred on overseers of the poor in the respective towns of this state by the general poor law thereof. He shall have the same power and exercise the same duties within said city as overseers of the poor and county superintendents of the poor have in relation to bastards and the bringing of prosecution and settlement in bastardy cases. Except as herein otherwise provided, the city of Gloversville shall be deemed one of the towns of Fulton county for all purposes relating to the maintenance and support of the poor.

§ 226. Salary, oath, bond, et cetera, of commissioner.—The commissioner of charities of said city shall receive for his services an annual salary of seven hundred fifty dollars, to be paid monthly by orders of the common council upon the chamberlain, and paid out of the charities fund of said city. Before entering upon the duties of his office he shall take and subscribe the constitutional oath of office and file the same with the city clerk, and execute to said city a bond, with two or more sureties, to be approved by the common council, in the penalty of five thousand dollars, conditioned for the faithful discharge of the duties of his office. (*As amended by chapter 346 of the Laws of 1903.*)

§ 227. Visitation and care of poor.—It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine into their circumstances and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. He shall have the sole and exclusive care and management of the affairs of said city in relation to the care and support of the poor, except as otherwise provided in this act, and for all purposes relating to his office and duties the city of Gloversville shall be one of the towns of Fulton county.

§ 228. Application for relief.—The said commissioner shall require all persons making application for relief to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk.

§ 229. Monthly report to common council.—Said commissioner shall at the first regular meeting of the common council in each month report to the common council under oath, in detail, all appropriations, expenditures, temporary relief, and allowances made by him as such commissioner during the month preceding; which report shall specify the name and place of abode of each person relieved, the quality, quantity, and price per pound, or otherwise as the case may be, of each article ordered or furnished and from whom obtained; said report shall also contain the names and abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same.

§ 230. Charities accounts and the audit thereof.—All charges and accounts against said city for services rendered, acts done, or means, provisions, or supplies furnished under the directions of the commissioner of charities of said city under the provisions of this act or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor and presented to the common council at the first regular meeting of said council in each month for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts, and charges shall be audited and paid by the common council.

§ 231. Disbursement of funds.—The commissioner of charities shall disburse the funds for the aid of the poor of said city by orders signed by himself and drawn upon the chamberlain of the city, and all provisions of this act relating to the orders of the common council shall, so far as practicable, be applicable to the orders of the commissioner of charities.

§ 232. Commissioner not to be interested in furnishing supplies, et cetera.—The commissioner of charities shall not, directly or indirectly, furnish to any person whatever, any groceries, provisions, fuel, medicines, or property belonging to himself, or in which he shall have an interest, or be interested; nor shall he be interested in any contract for the purchasing of such groceries, provisions, medicines, fuel, or property; nor shall he receive any commissions upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods, articles, or relief; and for violation of any provision of this section said commissioner shall be removed from office by the common council, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

§ 233. Report of balance of charities fund.—The chamberlain shall, from time to time, upon the request of the commissioner of charities, report to him the amount of any balance that may be in his hands to the credit of the charities fund of said city.

§ 234. Employment of physicians.—The commissioner of charities shall not employ any physician other than those appointed by the common council.

HORNELL, STEUBEN COUNTY.

(Note.—Overseer of the poor elected for a term of two years at a salary of \$720.)

Chapter 288, Laws of 1906.

TITLE IV.

§ 58. The overseer of the poor shall have and exercise within said city the same powers and discharge the same duties as overseers of the poor of the towns of Steuben county, and shall receive for his services the sum of sixty dollars per month to be paid monthly by the common council of said city, and no other fee or reward. He shall make an itemized report in writing to the common council on the first day of each month of all assistance furnished by him in providing for the poor of said city, giving the names of all such persons, and the kind and nature of assistance rendered; the names of all persons sent to the Saint James Mercy Hospital, date of sending and date of their discharge, and all cases retained in the hospital beyond sixty days shall be reported as renewed certificates. For a failure to make such report each time he shall forfeit to the said city the sum of fifty dollars. He shall have power to administer an oath to and examine under oath any person applying to him for relief, and false swearing upon or at such examination shall be deemed wilful perjury.

HUDSON, COLUMBIA COUNTY.

(Note.—Commissioners of public charities appointed by the mayor for a term of three years. No compensation.)

Chapter 751, Laws of 1895.

TITLE XXVIII.

COMMISSION OF PUBLIC CHARITIES.

§ 191. The commission of public charities of the city of Hudson shall be composed of the commissioners of public charities, shall be a body corporate and shall have power to sue and defend in all courts. No member of the common council shall be a commissioner of public charities. Neither shall any person be appointed to the office, who, at the time of such appointments,

shall be engaged or interested in business as a grocer, saloon keeper, or hotel keeper, or in any wise concerned in the manufacture or sale of spirituous or malt liquors, ale or beer, and in case any person appointed to the office shall, during his term, become engaged or interested in either of the occupations above specified, his term of office shall thereupon cease, and the office become vacant, and the mayor shall forthwith appoint another in his place.

§ 192. The commission of public charities is hereby invested with all the powers and duties now or hereafter to be prescribed and provided by the general statutes of the state of New York, relating to overseers of the poor in towns; so far as the same are applicable and not inconsistent with this act. It shall have power to purchase provisions, stores, medicines and supplies to be by it distributed, and supplied to the deserving poor of the city. All such articles so purchased and used shall be sound, unadulterated and of good quality. It shall have power to employ a physician to render medical assistance to the deserving poor of the city. He shall receive a salary to be fixed by the said commission, which shall be paid out of the amount annually appropriated for the uses and purposes of the commission. It shall, from the amount raised by tax for its uses and purposes, pay to the Hudson city hospital, in each year, on account of the deserving poor of the city who may, while sick from time to time receive maintenance, support, care and treatment in said hospital, the sum of one thousand dollars. (*As amended by chapter 559 of the Laws of 1905.*)

ITHACA, TOMPKINS COUNTY.

(Note.—Overseer of the poor appointed by the mayor for a term of two years; compensation fixed by the common council.)

Chapter 429, Laws of 1892.

TITLE IV.

§ 17. Except as otherwise provided by law, the overseer of the poor of said city shall possess all the powers and authority of overseers of the poor in the several towns of this state, and shall be subject to the same duties, obligations and liabilities,

and for the purpose of his office, the city of Ithaca shall be treated in the same respect as a town would be. If it shall appear to the overseer of the poor of said city, that any person applying to him for relief, requires only temporary relief, or is so disabled that he can not safely or conveniently be removed to the county almshouse, such overseer may pay, or contract to pay or expend, such sum for the temporary or other relief of such poor person as the circumstances shall require, which sum shall be a city charge and shall be paid to such overseer out of the city poor relief fund, when such poor person is a city charge; but if a county charge, the overseer shall be entitled to receive the amount thereof from the county treasurer, to be by him charged to the county, but no greater sum than twenty dollars shall be contracted for, expended or paid by him for the relief of any one poor person or family, without the written approval of the superintendent of the poor of the county of Tompkins. Such overseer of the poor may employ a city physician for the purpose of medical care and attendance of the poor of the city, who are a city charge, for such period, not exceeding one year, and not beyond his own term of office, and at a salary not exceeding the rate of five hundred dollars per year, which shall be a city charge and paid out of the city poor relief fund. The employment of a physician by the overseer of the poor of the city of Ithaca, for one year from March twenty-seventh, eighteen hundred and ninety-three, at an annual salary of two hundred and fifty dollars, is as valid as if expressly authorized by law, and such sum so agreed to be paid shall be a city charge and shall be paid from the city poor relief fund. (*As amended by chapter 381 of the Laws of 1894.*)

JAMESTOWN, CHAUTAUQUA COUNTY.

(Note.—Overseer of the poor elected for a term of two years at a salary of \$600.)

Chapter 84. Laws of 1886.

TITLE IV.

§ 15. The overseer of the poor elected or appointed under this act shall exercise the same powers and discharge the same duties

in and for said city as overseers of the poor of the towns in Chautauqua county, except that in giving local relief to the poor of said city and in the expenditure of all moneys for such purposes he shall be subject to the control of the common council of said city as it may by ordinance or resolution prescribe, and the overseer of the poor in making all purchases for the local relief of the poor of said city shall also be subject to the control of said common council by resolution or ordinance and its approval. All of his accounts and expenditures and purchase for such local relief shall be by him presented to the common council by a written report duly verified. All other claims and accounts presented against said city by any person for poor relief shall be duly verified, and by said common council acted upon as other bills and claims against said city as provided by section seven of title three, and if approved the same shall be paid by warrants signed by the mayor and clerk upon the treasurer and against the poor fund. The common council of said city may, from time to time, employ such person or persons as it may deem necessary and proper in the interest of the city to examine into the relief of the poor and to assist in determining what person or persons shall be recipients of relief and to fix the compensation of such person so employed and pay the expense thereof from the poor fund. The overseer of the poor of said city shall receive an annual salary of six hundred dollars, to be paid monthly from the poor fund. Any fraud practiced, or false representation made by an applicant for city aid or relief, or by any other person, to procure aid or relief to be given, or to procure any order for outdoor aid to be accepted or filled, or to be paid by the city, or any willful act of any city official or other person, designed to impede or in any way to interfere with the just and proper administration of this department, shall be a misdemeanor. (*As amended by chapter 496 of the Laws of 1895.*)

TITLE V.

Section 4. * * * * * * * *

3. The moneys collected and received by the excise commissioners of said city for the granting of licenses for the sale of intoxicating liquors, shall be paid by them upon receipt thereof

to the treasurer of the city of Jamestown, to be by him placed into a fund to be known as the poor fund, and to be used for defraying the expense of local relief to the poor of the city, and the common council shall transfer from the general fund to the poor fund the moneys received for granting licenses in pursuance of the excise law for the year eighteen hundred and ninety-five. The common council shall have the power, and it shall be their duty, to raise by tax, in each year, such further sum as may, in its opinion, be necessary, in addition to the moneys collected, received and paid by the excise commissioners into the poor fund, to defray the expense for the local relief of the poor of said city by the overseer of the poor and for no other purpose. *(As amended by chapter 496 of the Laws of 1895.)*

JOHNSTOWN, FULTON COUNTY.

(Note.—Commissioner of charities appointed by the mayor for a term of two years at a salary of \$240.)

Chapter 593, Laws of 1905.

ARTICLE XI.

CITY PHYSICIAN; CHARITIES.

§ 251. City physician and health officer.—The city physician shall, under the direction of the commissioner of charities, visit such of the poor of the city as may be ill, at their places of abode, and give them medical attention and care, and supply them or cause them to be supplied with such medicines as their condition may require. He shall be allowed for all medicines furnished by him to the poor of the city. All medicines furnished by other persons upon his order or the order of the commissioner of charities, shall be audited and paid from the poor fund of the city. The city physician shall be the health officer of the city and as such shall have the powers and perform the duties prescribed by law.

§ 252. Powers and duties of the commissioner of charities.—Except as otherwise provided by this act, the commissioner of charities of the city of Johnstown, shall have and exercise within the city of Johnstown the same powers and discharge the same duties, to the exclusion of any other officer, as overseers of the

poor in the several towns, except the town of Johnstown, in Fulton county. The commissioner of charities shall have all the powers and authority of overseers of the poor of the several towns of this state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the binding out and contract for the service of disorderly persons, and the same powers as overseers of the poor and county superintendents of the poor have in relation to the insane, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and all such other powers as are conferred on overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. He shall keep his office in some central and convenient part of the city, to be approved by the common council. He shall visit the poor of the city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. He shall require all persons making application for relief to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. He may administer oaths to and examine under oath any person applying to him for relief. For all purposes relating to the maintenance and support of the poor, the city of Johnstown shall be deemed one of the towns of Fulton county. The commissioner shall issue written orders for all means, provisions and supplies furnished to the poor of said city. He shall not employ any physician other than the city physician appointed by the common council, except where immediate surgical relief is required.

§ 253. Expenditures for support of poor.—All the expenses for the support and relief of the poor persons of the city of Johnstown incurred under the provisions of this article, and all expenses properly chargeable under any other act against the city for the support and relief of poor persons shall be paid out of the poor fund, and no other expenditures shall be made therefrom except as otherwise provided in this act.

§ 254. Monthly reports of commissioner.—Said commissioner shall at the first regular meeting of the common council in each

month, report to the common council under oath in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise as the case may be, of each article ordered or furnished, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

KINGSTON, ULSTER COUNTY.

(Note.—Commissioners of the almshouse appointed by the mayor for a term of three years. Compensation fixed by the common council.)

Chapter 747. Laws of 1896.

TITLE VII.

OF THE COMMISSIONERS OF THE ALMSHOUSE.

Section 75. Terms and appointment.

76. Powers defined.

77. General powers.

78. Duties of superintendent.

79. Annual account.

80. Annual estimate.

81. City a separate district.

Section 75. The commissioners of the almshouse in office, and their successors, shall constitute a department of the city government and be designated "the commissioners of the almshouse of the city of Kingston," and may sue and be sued by that title as if a corporation. The term of office of commissioner shall be three years. Appointments, in case of vacancy therein, shall be for the unexpired term and at the expiration of a term for three years.

§ 76. Such department shall have the sole and exclusive management of the poor who are by law chargeable against said city;

the power and authority vested in overseers of the poor of town and superintendents of the poor of counties, except as modified by this act; have the possession and be custodian of the almshouse and all property therein contained and all lands, premises and improvements thereon which may hereafter be acquired for the maintenance of the poor. The title of such lands shall vest in the city of Kingston and the commissioners of the almshouse are directed within thirty days after the passage of this act, to convey to said city all lands and premises to which they have acquired title.

§ 77. Such department may:

1. Appoint one of said commissioners president; establish rules and regulations for the government of the department and its superintendent, agents and servants, and for the examinations of persons applying for or entitled to relief, or admission to the almshouse and for the distribution of food, fuel, clothing and other necessities among the city poor.

2. Appoint a superintendent of the almshouse and such other agents and servants as may be necessary, who shall hold office during the pleasure of the department and receive such salary as shall be fixed by it.

3. Visit the poor at their places of residence and make such examination of their circumstances as it shall deem proper.

4. Contract with the city of Kingston hospital for the medical and surgical treatment of the city poor thereat and expend therefor forty-five hundred dollars per annum, or so much thereof as may be necessary. (*As amended by chapter 91 of the Laws of 1900.*)

5. Prosecute all actions and proceedings maintainable by overseers of the poor of towns and superintendents of the poor of counties. Bonds required by law in bastardy proceedings and in relation to bastards shall be given to said department.

6. Prosecute actions and proceedings to recover against any municipality the amount expended by it in supporting and maintaining any poor person properly chargeable to such municipality.

7. Appoint such competent practicing physicians as may be necessary to render surgical and medical services to the city poor.

8. Prosecute actions and proceedings to compel the relatives of poor persons to support them or recover the amount expended for the same.

§ 78. The superintendent of the almshouse shall keep an office, to be provided by the department, which shall be open and accessible to all persons having business therein at such hours as the rules determine. He shall attend the meetings of the commissioners of the almshouse; be the secretary thereof and keep the record thereof; keep an account of the receipts and disbursements of the department, including warrants drawn upon the treasury, the number and amounts thereof; the names of persons relieved, the manner and date thereof; prepare the annual report of the department and such other reports as may be required of it; carry into effect the order and directions of the department and perform all other duties lawfully required of him.

§ 79. The department shall, on the first day of November of each year, prepare a report showing an exact and accurate account of all moneys received by it during the preceding year; all expenditures for the same period of time and the reason for such expenditures; to whom paid; the number of persons admitted to and discharged from the almshouse; the number of persons supplied with outdoor relief; the cost thereof and of keeping the almshouse. The report shall be signed and verified by the commissioners and superintendent, filed in the office of the city clerk and published in the official papers.

§ 80. The department shall, on the first day of November of each year, furnish the mayor with a written statement of the balance to the credit of the department and an estimate of the amount, not exceeding twenty thousand dollars, which will be required for the support of the poor of said city for the ensuing year. Such statement shall be signed by the commissioners and presented by the mayor to the common council together with other city estimates. The common council may reduce such estimate, or approve the same as presented, and when approved the amount thereof shall be levied and collected the same as other city taxes.

§ 81. The said city, for the purpose of supporting the poor within its limits and carrying into effect the law for support and relief

of indigent persons, deaf-mutes, blind, insane and idiotic persons of said city shall be a separate and distinct district. The city shall not hereafter be subject to any quota of county charges for the support of such persons, nor shall any portion of the county of Ulster, without the limits of said city be taxed or required to contribute to the support of such persons within said city.

LITTLE FALLS, HERKIMER COUNTY.

(Note.—Commissioners of charities, except the mayor, who is a member ex officio, appointed by the mayor and common council for a term of four years. No compensation.)

Chapter 565, Laws of 1895.

ARTICLE VII.

THE CITY BOARD OF CHARITIES.

Section 130. Organization and procedure of the city board of charities.

131. Rules and regulations of the city board of charities.

132. General powers and duties of the city board of charities; overseer of the poor.

133. Audit and expenditures by city board of charities; payments from poor funds.

Section 130. Organization and procedure of the city board of charities.—The mayor of the city shall be president of the city board of charities, but shall have no vote as a member thereof. Said board of charities shall elect one of its members to be its vice-president, who shall be the presiding officer of the board in the absence of the mayor. Three members of the board shall constitute a quorum, but no action of the board shall be taken except by the concurring votes of at least three members of the board. The board shall cause to be kept by its clerk a journal of the proceedings, full and accurate accounts and records of all moneys appropriated, expended or audited by it, all officers appointed, suspended or removed by it, of all liabilities incurred by it in behalf of the city and of all matters pertaining to the execution of the duties of the board.

§ 131. Rules and regulations of the city board of charities.—The city board of charities may make rules and regulations, not inconsistent with law, for the conduct of its business and of the business of the overseer of poor, and for the performance of all work authorized to be undertaken by it.

§ 132. General powers and duties of the city board of charities; overseer of the poor.—The city board of charities shall have the general management and control of the poor department of the city. The board may secure, by renting, suitable grounds and buildings for the use of the poor department for a term not exceeding three years, and may purchase supplies for the relief of the poor for a term not exceeding one year. Said board shall also appoint at an annual salary to be fixed by it, not exceeding five hundred dollars a year, a competent practicing physician for each fiscal year, whose duty it shall be to render medical and surgical services and attendance to the city poor and perform such other services as said board shall direct. Said board may authorize the temporary care, maintenance and treatment of any sick or injured person at any hospital within the city and audit and allow the expense thereof; and if the maintenance of such sick or injured person, would as a poor person be chargeable to any other city, town or county or to the state, under general laws, the expense of such temporary care, maintenance and treatment shall be repaid to the city by such other city, town or county or by the state, as the case may be, in the manner provided by general laws. Otherwise than is in this act provided said city shall be deemed to be a town within all the provisions of general laws relating to the poor; and the overseer of the poor of the city shall have the same power and authority, and be subject to the same duties and liabilities as if said city were a town, and he were the overseer of the poor thereof. The overseer of the poor shall have power to administer oaths and take affidavits in all matters pertaining to the duties of his office, and to elicit statements of fact from applicants for relief.

§ 133. Audit of expenditures by city board of charities; payments from poor fund.—Payments of money by the overseer of the poor, to or for the support of the poor, shall be made by warrant on the treasurer, signed by the overseer of the poor, specifying that it is payable from the poor fund. The salary of the overseer

of the poor and all orders for supplies issued by the overseer of the poor, and expenditures for supplies made or incurred by the city board of charities shall be audited by the board and shall be paid by the treasurer, upon a warrant signed by the vice-president of the board and countersigned by the clerk thereof, specifying that it is payable from the poor fund. (*As amended by chapter 199 of the Laws of 1898.*)

LOCKPORT, NIAGARA COUNTY.

(Note.—Overseer of the poor elected for the term of one year. Salary \$600.)

Chapter 120, Laws of 1886.

TITLE V.

§ 61. The overseer of the poor shall, before entering upon the duties of his office give a bond to the said city of Lockport, in such penal sum as may be fixed by the common council, not less than four thousand dollars, and the common council may at any time when it shall deem the best interests of the city require it, by a written notice to be served on said overseer of the poor, require him within a time named in said notice, not less than ten days after service of the same, to give such further and additional bond or bonds to said city in such penal sum or sums, and with such sureties and conditions as the common council may deem necessary to protect the interests of the city, and thereupon said overseer of the poor shall within the time so limited give such additional bond or bonds. For all services under this act such overseer of the poor shall be entitled to receive a salary of six hundred dollars per annum, payable from the poor fund, monthly, by order on the city treasurer. Said overseer shall keep his office at such place as the common council may direct. (*As amended by chapter 571 of the Laws of 1887.*)

§ 62. It shall be the duty of the overseer of the poor personally to investigate the character, habits, location of residence, conditions and necessities of all applicants for assistance and relief, the results of which shall be recorded in a proper book to be kept for that purpose. He shall not allow or pay any bill, account or claim for supplies furnished by any dealer, merchant or other

person, unless the claimant, his agent or legal representative annex thereto an affidavit of such claimant, agent or representative, stating that the bill or account is just and correct, that the items charged therein and specified in each accompanying order for supplies or relief have been in fact and good faith furnished by the claimant to the person named in the order and to no other person, and that no part thereof has been paid or satisfied, and that there are no offsets thereto; nor for compensation, expenses or services, unless the affidavit shall state that the account is just and correct and that no part thereof has been paid or satisfied, and there are no offsets thereto. He shall take up and preserve all orders, bills, accounts and vouchers of his expenditures and payments, and exhibit the same with his books and files to the common council whenever directed so to do. He shall report to the common council at its first meetings in January, April, July, and October, in each year, a detailed statement of all his receipts and disbursements for the three months next preceding that in which such report is made, showing the money on hand at the beginning and end of the quarter, and date and amount of each order or payment for temporary relief, and the person to whom made or given, and all his other disbursements in like detail. Said report shall be verified by his oath taken before some proper officer, that the same is, and the items thereof are, correct to the best of his knowledge and belief. If said report is not sufficiently explicit the common council may call for a further report, which the overseer shall immediately furnish. Except as herein otherwise provided, said overseer shall have the same powers and duties, liabilities and responsibilities, as overseers of the poor in the towns of Niagara county, in all matters pertaining to the maintenance and support of the poor in said city, and as to those matters the city shall be regarded as a town of said county. Upon receiving said report the common council shall refer it to some proper committee, which shall proceed without delay to carefully investigate and examine said report and the vouchers thereof, and the books of said overseer; and for that purpose the committee shall have power to send for persons or papers, and examine said overseer and any other person or persons, under oath, in respect to any matter or thing in the premises.

Such committee shall report to the common council, favorably or adversely, in whole or in part, with its reasons and recommendations, and the common council shall thereupon proceed to consider and audit the account of said overseer, and shall have all the powers, duties and responsibilities of a board of town auditors in the premises. The affidavits annexed to said overseer's report or to any of said bills, accounts or vouchers, shall not be conclusive upon the common council in case it shall appear that any claim or item in said report is illegal, unjust or improper, in whole or in part, but in such case such item or portion thereof shall be disallowed, and said overseer and his surety shall be liable for the amount thereof. The common council shall cause each of said reports of the overseer of the poor to be published in full except the names of the persons to whom orders for temporary relief were given, as a part of the proceedings of the meeting at which the same is made. (*As amended by chapter 222 of the Laws of 1902.*)

§ 63. The common council shall, at some regular meeting thereof in the month of September in each year, make an estimate of the sum which it shall deem necessary for the temporary relief and support of the poor in said city for the ensuing fiscal year, and to supply any deficiency in the preceding year, and shall cause such estimate to be laid before the board of supervisors of Niagara county at its then next annual meeting. The board of supervisors shall cause the said sum to be levied and collected in said city in the same manner and together with the other taxes by it levied therein, and such sum shall be retained by the city treasurer on his settlement with the county treasurer, and paid over to the overseer of the poor from time to time as the common council may direct.

MIDDLETOWN, ORANGE COUNTY.

(Note.—Board of charities composed of mayor and supervisors, ex officio.)

Chapter 572, Laws of 1902.

TITLE XI.

§ 204. The mayor and supervisors of said city shall compose the commissioners of charities of said city. They shall have the general care, management, administration and supervision of

the charities of the city and shall appoint an overseer of the poor who shall give a bond to the city in such penalty, in such form and with such sureties as the commissioners may prescribe and approve, for the faithful discharge of his duties.

§ 205. The overseer of the poor, subject to the regulations and supervision of the commissioners, shall possess all the powers and authority of overseers of the poor in the several towns of Orange county, and be subject to the same duties, obligations and liabilities; he shall have power to examine under oath any person applying for relief.

§ 206. If, after providing for the temporary relief of the city's poor, there is a surplus in the excise fund it may by a vote of the common council be devoted to the payment of the indebtedness on account of the purchase of a city hall site; and if, on November first of any year, there is a surplus to the credit of the excise fund and the city of Middletown is still a part of the Orange county poor district, said surplus shall be applied to the payment of the city's share of the money to be raised for the county poor fund, the common council of said city shall certify to the board of supervisors of Orange county that the city's excise fund is sufficient to pay all or any portion of the city's quota of the county poor fund, and on the receipt of such certificate, the supervisors of Orange county shall deduct from the sum apportioned to said city for county poor purposes the amount specified in said certificate, and instead of being raised by tax such amount shall be paid from the excise fund.

§ 207. If at any time, after paying for the support of the city's poor and the city's share of the Orange county poor fund, there shall still be a balance in the excise fund, said balance may, by vote of the common council, be applied to the redemption of any tax certificates issued for schoolhouse purposes that may be outstanding and if there be no such certificates, then it shall be used to pay whatever annual appropriation is made for the maintenance of Thrall hospital and it may be used for such other public purposes as the common council may direct.

§ 208. All acts and parts of acts inconsistent with the provisions of this title of this act are expressly repealed.

§ 209. Said commissioners of charities shall have the same powers to make application to the county superintendents of the

poor of Orange county as can now be made by law by overseers of the poor and supervisors of towns.

Chapter 363, Laws of 1903.

AN ACT for the better support of the poor in the city of Middletown. .

Section 1. The city of Middletown in the county of Orange shall hereafter be a separate poor district. Said city shall not hereafter be subjected to taxation for the support or maintenance of the poor of or in any other city or town of the county of Orange; nor shall said city be taxed for or required to pay any part of the salaries of the county superintendent of the poor of the county of Orange, but such salaries shall be a charge against and paid out of the fund provided for the support and maintenance of the poor in poor district number one of the county of Orange. The several cities and towns of the county of Orange other than the city of Middletown are hereby declared to be wholly exempt from all tax, assessments or contributions for the support of the poor of said city of Middletown. The city of Middletown for all the purposes of supporting the poor within its limits and carrying into effect the laws of the state for the support and relief of poor and indigent persons shall be a separate and distinct district and shall be known as poor district number three of said county of Orange.

§ 2. All the provisions of the revised statutes in relation to the settlement of the poor, and their removal from one county, or poor district to another, shall apply to said city of Middletown.

§ 3. The commissioners of charities or the superintendent of the poor acting under their direction shall have the same powers and authority as overseers of the poor of towns and superintendents of the poor in counties, in the management of the poor affairs of the city of Middletown.

§ 4. The commissioners of charities have power to contract for the care and maintenance of its poor and indigent at any public institution with which it can enter into a contract and they are also authorized to contract with the superintendents of the poor of the county of Orange or any other county and pay the charges

agreed upon quarterly. The superintendents of the poor of any county in this state and the superintendent of any almshouse are hereby authorized to so contract with said commissioners of charities. And the said commissioners of charities are also authorized and empowered to make contracts if they deem it proper and best for the support, care and maintenance of poor and indigent persons from places outside of the city of Middletown.

§ 5. All acts relating to the care, management and maintenance of the poor of the city of Middletown, inconsistent with the provisions of this act are hereby repealed.

§ 6. The said city of Middletown in its corporate capacity shall have full power to maintain or defend any action provided for by the general poor laws of the state.

§ 7. The supervisors of Orange county shall annually levy upon the taxable property of the city of Middletown such sum or sums of money as may be certified by the commissioners of charities of said city as necessary for the support of the poor for the current year.

MOUNT VERNON, WESTCHESTER COUNTY.

(Note.—Commissioner of charities appointed by mayor and common council for a term of two years. Compensation \$600 per annum.)

Chapter 182, Laws of 1892.

TITLE XI.

OF THE POOR.

§ 227. All laws now in force not inconsistent with the provisions of this act, applicable to overseers of the poor in towns, shall apply to the commissioner of charities, and such commissioner of charities shall have and possess all powers which overseers of the poor of towns now have, or which may hereafter be conferred upon them.

§ 228. The common council may by ordinance prescribe the duties of such commissioner of charities in relation to the temporary aid and assistance to the poor, and may appropriate such moneys for such purpose as it shall deem proper.

NEWBURGH, ORANGE COUNTY.

(Note.—Commissioners elected for a term of four years. No compensation.)

Chapter 44. Laws of 1853.

AN ACT for the better support of the poor in the town of Newburgh, in the county of Orange.

Section 1. The city and town of Newburgh shall not hereafter be subjected to taxation for the support or maintenance of the poor of or in the other towns of the county of Orange; nor shall said city and town of Newburgh be taxed for or required to pay any part of the salaries of the county superintendents of the poor of the county of Orange, and after the passage of this act the salaries of such county superintendents of the poor shall not be paid from the "general fund" of the county of Orange, but the same shall be a charge against and paid out of the fund provided for the support and maintenance of the poor of the county of Orange, exclusive of the city and town of Newburgh, and the other towns of the county of Orange shall not be taxed or required to contribute for the support of the poor of or in the city or town of Newburgh; but the said city and town of Newburgh, for all the purposes of supporting the poor within their respective limits, and carrying into effect the laws of the state for the support and relief of indigent persons, shall be a separate and distinct district. (*As amended by chapter 369 of the Laws of 1893.*)

§ 2. The corporation heretofore known as the commissioners of the almshouse of the city and town of Newburgh, shall hereafter be known as the commissioners of the home of the city and town of Newburgh. For the purpose of carrying into effect the provisions of this act, the six commissioners heretofore elected in the city and town of Newburgh, as commissioners of almshouse of the city and town of Newburgh, shall hold office as commissioners of the home of the city and town of Newburgh, until the term for which they were elected shall expire, and thereafter six commissioners of said home shall be nominated and elected, four in said city and two in said town, as other officers therein are elected. They shall be divided into three classes, and hold their

offices for the periods following, that is to say: the two commissioners of the almshouse elected in the town of Newburgh, shall hold office as commissioners of said home until their terms expire. Two commissioners of said home shall be nominated and elected by the electors of the said town at the annual town meeting held in the year nineteen hundred and five, in the same manner as other town officers are elected, and they shall be nominated and elected for the term of two years from the said first day of March, nineteen hundred and six. Two commissioners of the said home shall be nominated and elected by the electors of the said city at the annual election preceding the first Tuesday of April, nineteen hundred and six, in the same manner as other city officers chosen by the people are elected to take the place of the commissioners whose terms will expire on said first Tuesday of April, nineteen hundred and six, and who shall hold office for the term to expire on the first day of March, nineteen hundred and ten. Two commissioners of the said home shall be nominated and elected by the electors of the said city, at the annual election preceding the first Tuesday of April, nineteen hundred and seven, in the same manner as other city officers chosen by the people are elected, to take the place of the commissioners whose terms will expire on said first Tuesday of April, nineteen hundred and seven, who shall hold office for the term to expire on the first day of March, nineteen hundred and eleven. Two commissioners of the said home shall be nominated and elected by the electors of the said town, at the annual election preceding the first day of March, nineteen hundred and eight, in the same manner as other town officers chosen by the people are elected who shall hold office for the term of four years and thereafter the successors of such commissioners shall be nominated and elected by the electors of the said city and town respectively, at the annual election or town meetings preceding the expiration of such terms of office, who shall hold office for the term of four years. Any vacancy which may occur in the office of commissioners of the home of the city and town of Newburgh elected in the said city, by reason of expiration of term or otherwise shall be filled by appointment by the mayor of the said city of Newburgh, in the same manner as other vacancies in city offices are filled; and any vacancy which may occur in

the office of those commissioners elected in the said town, by reason of expiration of term or otherwise, shall be filled by appointment in the manner provided by the town law for the filling of vacancies in town offices. (*As amended by chapter 467 of the Laws of 1905.*)

§ 3. The said commissioners of the almshouse may sue and be sued in their corporate name, in any of the courts of this state. They shall have the sole and exclusive care and management of the poor in the said town, and shall provide for and maintain the persons enumerated in the fourteenth section of the act concerning "the relief and support of indigent persons," in the manner hereinafter mentioned, and for that purpose they shall have and exercise all the powers and authority now vested by law in the overseers of the poor of towns, and in the superintendents of the poor of counties, not inconsistent with the provisions of this act. They shall also have and possess the powers following:

1. To appoint, by a resolution to be entered upon their minutes, an officer, to be denominated "the superintendent of the poor of the town of Newburgh," together with such other agents as may be necessary in order to carry into effect the purposes of this act, which said superintendent and other agents shall hold their offices during the pleasure of the said commissioners, and receive such fixed annual salary, as a compensation for their services, as the said commissioners may direct.

2. To visit the poor of the said town at their several places of residence, and inquire and examine into their circumstances, the number and ages of the members of their families, the places of their former residences, their employments, for what length of time and to what extent they have been dependent on the public for support, their ability to labor, and the causes of their poverty; and the commissioners may direct either permanent or temporary relief to such poor persons, under such rules and regulations as they may from time to time adopt.

3. To contract for, purchase and provide provisions, fuel, clothing and other necessities for the support of or distribution amongst the poor; and such cattle, stock, furniture and farming utensils for the almshouse and lands hereinafter mentioned, as in their judgment they may deem necessary.

4. To purchase in fee simple, and take a deed of conveyance to the said commissioners in their corporate name, of a farm of land not exceeding one hundred acres, and to erect thereon, if necessary, a building sufficient for the residence and accommodation of the poor of the said town, to be denominated the "almshouse." But the amount of money to be expended by the said commissioners, in the purchase of the said farm and the erection of the said buildings, shall not exceed the sum of twelve thousand dollars. And until such farm and buildings can be purchased and provided, as aforesaid, the said commissioners may hire a house and lot of ground for a term of time, as a residence for the poor of the said town, at an annual rent not exceeding five hundred dollars. (*As amended by chapter 495 of the Laws of 1853.*)

5. The said commissioners may also cause to be constructed within, or within the vicinity of, the said almshouse, a cell or cells or other places of confinement for the temporary imprisonment or detention of vagrants. And the police justice of the town of Newburgh is hereby required by his warrant, to be directed to and executed by one of the police constables of said town, to commit to the custody of the keeper of the said almshouse, to be confined in such cells or places of confinement, all persons adjudged vagrants according to the provisions of the act concerning beggars and vagrants, and also all persons convicted before him of petit larceny, or of other minor offenses or misdemeanors, and sentenced by him to imprisonment therefor. And the keeper of said almshouse is hereby authorized to require all persons, so committed to his charge, to do and perform such work and labor as the superintendent of the poor of the said town shall direct; and the reasonable expenses of keeping and maintaining the persons so committed, while so confined, not to exceed one dollar per week for the time of confinement of each person, shall be charged to the county of Orange and paid by the board of supervisors to the said commissioners as part of the county expenses. (*As amended by chapter 102 of the Laws of 1854.*)

6. The said commissioners shall also have power to receive from the commissioners of emigration all moneys they may become entitled to receive for and on account of foreign paupers

relieved by them, and also from the supervisor of the town of Newburgh, the excise money received in said town, with all fines, forfeitures and penalties which may accrue to them as such commissioners, together with all moneys raised in the said town, for the support of the poor, which said several sums of money shall be applied by the said commissioners to the support and relief of the poor in said town, according to the provisions of this act.

7. The said commissioners shall also have power, and it shall be their duty, to sue in their corporate name for all violations of the excise laws, committed in said town, in any court having jurisdiction of such suits. All other suits and proceedings which may now by law be prosecuted and maintained, in the name of the overseers of the poor of the town of Newburgh, to enforce civil remedies, shall and may hereafter be prosecuted and maintained, and such remedies may be enforced, in the name of the commissioners of the almshouse of the town of Newburgh.

8. Such commissioners may also appoint one of their body president, and they may also fill all vacancies which may occur amongst their number by death, resignation or otherwise, by appointing some suitable person or persons to fill such vacancy or vacancies, who shall hold their offices for the unexpired terms of the persons whose places have thus become vacant. They shall keep a written record of their proceedings, and may establish rules and regulations for their own government, the government of their superintendent, agent and servants, in the examination of paupers and others applying for or entitled to relief or for admission to the almshouse, and in the distribution of food, fuel, clothing and other necessaries among the poor of the town.

9. They shall have power from time to time to borrow all such sums of money as they may deem necessary to carry out the powers vested in them by this act, and to give obligations in their corporate name, to be signed by their president and secretary, for the payment of such sums of money, and of any debts incurred by them as such commissioners, and the town of Newburgh shall be liable for the payment of such obligations.

10. They shall have the powers superintendents of the poor now have in relation to lunatics in said town and to provide for their safe-keeping in a proper place in said town, or to send them to a lunatic asylum; and they shall also have the same powers

which overseers of the poor now have in relation to binding out minors or infant children in said town, and also the same powers in relation to binding out minor children sent to the said almshouse, that county superintendents of the poor now have to bind out children sent to a county poorhouse, under and by virtue of section five, article first, title four, chapter eight, of the second part of the Revised Statutes. (*As amended by chapter 102 of the Laws of 1854.*)

11. They shall have the same powers as overseers of the poor and county superintendents of the poor now have in relation to bastards, within said town. And all proceedings, to be had in such cases, shall be in their corporate name. And all bonds, required according to the provisions of the statutes relating to bastards, shall be given to them in their corporate name; but nothing in this act contained shall be construed to release or discharge the superintendents of the poor of Orange county from their liability to any person or persons residing in the town of Newburgh, supporting any bastard child already chargeable to said county of Orange, in cases in which they have heretofore compromised with the putative father for such support.

§ 4. The said superintendent of the poor shall keep an office, to be provided for him by the said commissioners, in the village of Newburgh, which shall be open and accessible to those having business therein, at such hours as said commissioners may designate. He shall devote his time and attention to the discharge of his public duties, and shall, amongst other things, attend the meetings of the said board of commissioners, and act as the secretary thereof. He shall aid them in the examination into the circumstances and conditions of the poor persons applying for or entitled to relief, as provided in the second subdivision of section second of this act, and shall keep a record of such examinations. He shall keep the minutes of the proceedings of the commissioners, and an account of their receipts and disbursements, together with the names of the persons relieved, the manner of the relief, and the time when it was rendered, and prepare their annual and other reports. He shall carry into effect the orders and directions of the said commissioner in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time. (*As amended by chapter 242 of the Laws of 1862.*)

§ 5. The said commissioners shall annually, on the first day of November in each year, cause to be prepared a report, in duplicate, containing an exact and accurate account of all moneys received by them, and the sources from whence such moneys were received, during the preceding year; an exact and accurate account of all their expenditures, and of all debts incurred by them, which are unpaid for the same period of time; and the objects for which such debts were incurred, and to which such expenditures were applied, and to the persons to whom they were paid, for the same period of time; also the number of persons admitted and discharged from the almshouse; the number of those provided with outdoor relief; the expenses incurred for keeping and supplying such almshouse, and the expenses incurred for such outdoor relief during the year; which said report shall be signed by the said commissioners and superintendent and one filed in the office of the town clerk of such town, and the other filed in the office of the clerk of the city of Newburgh. (*As amended by chapter 623 of the Laws of 1904.*)

§ 6. The said commissioners shall also on the first day of November in each year, make a written estimate to be signed by them, of the amount of money which will be required for the support of the poor of said city and town for the next following year; and shall deliver such estimate to any supervisor of any of the wards of the city of Newburgh, or to the supervisor of the town of Newburgh, and the supervisor receiving such estimate shall lay the same before the board of supervisors of the county of Orange at the next annual meeting, who shall apportion the amount between the city of Newburgh and the town of Newburgh, in proportion to the amount of taxable property in each respectively, and shall cause the sum so apportioned to the city of Newburgh to be levied and collected on said city, and the sum so apportioned to the town of Newburgh to be levied and collected on said town, in the same manner as the other taxes are levied and collected; and said board of supervisors shall also, by their warrant, direct and require the collectors of said city of Newburgh and town of Newburgh respectively to pay the said moneys, when collected, to the said commissioners, who shall apply the same to the relief and support of the poor in the manner herein directed. In case either the said city or town of Newburgh shall at any time

vote for local option under the provisions of the liquor tax law, and no funds shall in consequence thereof be derived by the said commissioners of almshouse from either said city or town of Newburgh from excise licenses, then and in that case the expense of the maintenance, repair and improvement of the almshouse premises and the relief and support of the poor of said city or town shall be ascertained according to the relief furnished to said city or town and the number of persons supported by said commissioners therefrom during the period that no funds shall be derived from excise licenses in said city or town, and a statement thereof shall be delivered to any supervisor of the town or any supervisor of any of the wards of the city of Newburgh, and the supervisors receiving such statement shall lay the same before the board of supervisors of the county of Orange at the next annual meeting thereof, who shall cause the sum mentioned in said statement to be apportioned to the city of Newburgh or the town of Newburgh, in which no funds are derived from excise licenses and to be levied and collected in said city or town in the same manner as other taxes are levied and collected; and said board of supervisors shall also by their warrant direct and require the collectors of said city of Newburgh and town of Newburgh, as the case may be, to pay the said moneys when collected, to the said commissioners, who shall apply the same to the relief and support of the poor in the manner herein directed. *(As amended by chapter 623 of the Laws of 1904.)*

§ 7. The town of Newburgh shall be entitled to receive from the board of supervisors of the county of Orange, in money, its fair and just proportion of the estimated value of the county poorhouse, farm and buildings, with the appurtenances and the personal property thereon being, belonging to said county; which proportion shall be in the same ratio to the ascertained value of the said poorhouse and farm, with the appurtenances and personal property, as the amount of state and county taxes charged upon the town of Newburgh bears to the aggregate amount of state and county taxes charged upon the county of Orange, according to the assessment rolls of the several towns therein, for the year eighteen hundred and fifty-two; for the purpose of ascertaining the value of the said county poorhouse, farm and personal property, the said board of supervisors shall, on the

second day of their next annual meeting, by resolution, appoint one competent and disinterested person as an appraiser; and the said commissioners shall also appoint, by like resolution, one other competent and disinterested person as an appraiser, who shall proceed with all convenient speed to examine the said property, and to estimate and appraise all value of the said real and personal property; which said estimate and appraisal shall be in the form of a report in writing, and shall specify the several pieces and items of property, with the values thereof, and shall be signed by the said appraisers and filed with the clerk of the said board of supervisors; and the aggregate amount of such values shall be deemed and taken to be the true value of such real and personal property. If the said appraisers shall disagree, and become unable by reason thereof to make such report, they shall certify such disagreement in writing, under their hands, to one of the justices of the supreme court, who shall thereupon, by an order to be entered for that purpose, appoint one other competent and disinterested person as an additional appraiser, to estimate and appraise the value of such property; and the said three appraisers shall then proceed to re-examine the said property, and to make an appraisement of the value thereof; and the written report of the said appraisers, or any two of them, made, signed, and filed as hereinbefore mentioned, shall be final and conclusive as to the value of such real and personal property. The reasonable fees and expenses of the said appraisers, for making such estimate and appraisal, shall be paid by the board of supervisors, as a part of the county expenses. The said board of supervisors shall cause the first proportion of the town of Newburgh, in the said real and personal property, when estimated and ascertained as aforesaid, to be assessed upon and collected from the other towns of the said county of Orange, excluding the town of Newburgh; and shall cause the same, when so collected, to be paid over to the said commissioners or the almshouse. The appraisers mentioned in this section shall also estimate the number of paupers contained in the Orange county poorhouse at the time of such appraisal, and shall set apart as belonging to the town of Newburgh such number of said paupers as shall be equitable, assuming as the basis for such division the proportion which the money apportioned to the town

of Newburgh shall bear to the whole amount of county-house property, and such proportion of the principal aforesaid shall be taken to Newburgh, and maintained at the cost of Newburgh.

§ 8. The said commissioners shall apply such moneys to the purchase of the lands for an almshouse, and to defray the expense of erecting buildings thereon, or to the payment and satisfaction of any debt contracted by them for such lands, almshouse and buildings; all other moneys required by them for procuring and paying for such lands, almshouse and buildings, and for furnishing the same with farming stock and utensils and furniture, not exceeding in all the said sum of twelve thousand dollars, shall be assessed upon and collected from the town of Newburgh, and paid over to the said commissioners in the manner as provided in section six of this act. (*As amended by chapter 495 of the Laws of 1853.*)

§ 9. The commissioners of emigration of this state shall, from time to time, pay to the said commissioners of the almshouse of the town of Newburgh all moneys expended by them for the support of foreign paupers in the said town out of the commutation moneys in the hands of such commissioners of emigration, according to the provisions of the act "concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven, and the several acts amending the same.

§ 10. The said commissioners of the almshouse shall receive no compensation, for their services, whatever for any services to be rendered by them under the provisions of this act; but all reasonable and proper expenses, incurred by them in executing their trusts as such commissioners, shall be paid out of any moneys raised for the support of the poor as herein mentioned.

§ 11. Whenever it shall become necessary to take proof of any fact or facts, by affidavits or otherwise, to entitle the said commissioners of the almshouse to receive moneys from the commissioners of emigration, or any other fact, the proof of which may be necessary to enable the said commissioners of the almshouse to carry into effect the provisions of this act, such oath may be administered by, and such affidavit taken before, any one of the said commissioners, or of the said superintendent of the poor, who are hereby authorized to administer oaths.

§ 12. It shall not be lawful for the said commissioners of the almshouse, or either of them, or the said superintendent of the poor, to be concerned or interested, directly or indirectly, in the sale of any goods, merchandise or other personal property found, furnished or provided for the use of the poor of the said town of Newburgh; nor shall such commissioners and superintendents, or either of them, take or receive any profit, reward or emolument, for or on account of any goods, merchandise or personal property found, furnished or provided, by any person or persons other than such commissioners, for the use of the poor of said town; every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment.

§ 13. No person shall be disqualified from acting as judge, justice, witness or juror, by reason of his being a resident, inhabitant or freeholder in said town of Newburgh, in any action or proceeding in which the said commissioners of the almshouse are a party. The inhabitants of the town of Newburgh shall not, after the passage of this act, be entitled to vote for superintendents of the poor of Orange county, at any election for such officer.

§ 14. All the provisions of the Revised Statutes, in relation to the settlement of the poor, and their removal from one county to another, shall be understood to apply to the two divisions into which the county of Orange is divided by this act.

Chapter 102, Laws of 1854.

AN ACT to amend an act entitled "An act for the better support of the poor of the town of Newburgh, in the county of Orange," passed March 23, 1853.

Section 1. (*Amends subdivision 5 of section 3 of chapter 44 of the Laws of 1853, q. v.*)

§ 2. (*Amends subdivision 10 of section 3 of chapter 44 of the Laws of 1853, q. v.*)

§ 3. The said commissioners of the almshouse shall have power to expend all such sums of money, in addition to the amount specified in the said act hereby amended, as shall be necessary to erect and finish off and furnish such additional buildings herein provided for, and the necessary barn and other outbuildings required at the almshouse, and also for all necessary repairs for the buildings.

Chapter 541, Laws of 1865.

AN ACT to incorporate the city of Newburgh.

TITLE XI.

(Number changed to title XII by chapter 168 of the Laws of 1878.)

§ 4. The town of Newburgh, and the city of Newburgh, shall, together, constitute one district for the purpose of providing for the support of the poor, in the manner provided by law. The almshouse commissioners of said town and city shall be known by the corporate name of "the commissioners of the almshouse of the city and town of Newburgh." The superintendent of the poor shall hereafter be denominated "the superintendent of the poor of the city and town of Newburgh." Commissioners of the almshouse to take the place of those whose terms of office shall expire after this act shall take effect, shall be nominated and elected by the electors of the town of Newburgh, in the same manner as other town officers, elected by the people, are chosen. Whenever the terms of office of the commissioners of the almshouse, heretofore elected in the city of Newburgh shall expire, their successors shall be nominated and elected by the electors of the city, at the annual election, in the same manner as other city officers, chosen by the people, are elected. Any vacancy which may occur in the office by reason of expiration of term or otherwise, shall be filled by appointment by the mayor of the city of Newburgh, in the same manner as other vacancies in office are filled, as provided by section fifteen of title two of this act, as amended. All powers given by law to the police justice in the town of Newburgh in relation to commitment to the custody of the keeper of the almshouse, are hereby given to the recorder of the city of Newburgh in all cases arising in said city, and to each of the justices of the peace of the town of Newburgh in all cases arising in said town. Whenever any money shall be borrowed by the commissioners of the almshouse, in pursuance of the provisions of said act, the city of Newburgh and the town of Newburgh shall be jointly liable therefor. The annual report required by the said act to be made by the said commissioners, shall hereafter be made in duplicate, one of which shall be filed in the office of

the town clerk of the town of Newburgh, and the other shall be filed in the office of the clerk of the city of Newburgh, and said reports shall be open for inspection at reasonable hours by the qualified electors of the city and town of Newburgh. (*As amended by chapter 114 of the Laws of 1866 and chapter 554 of the Laws of 1895.*)

Chapter 418, Laws of 1870.

AN ACT to provide for the payment of the board of vagrants committed to the almshouse of the city and town of Newburgh.

Section 1. The board and maintenance of every vagrant committed to the almshouse of the city and town of Newburgh, who, under the provisions of the general acts concerning beggars and vagrants, might have been sentenced to the county jail, shall be at the same rate allowed to the sheriff, undersheriff or keeper of the county jail of Orange county, for the board of prisoners in said county jail, for a term not exceeding sixty days on any conviction, shall be a charge upon the county of Orange, and shall be audited and collected in the same manner as other county charges, and shall be paid to the commissioners of the almshouse of the city and town of Newburgh.

§ 2. The act entitled "An act for the better support of the poor of the town of Newburgh, in the county of Orange," passed March third, eighteen hundred and fifty-three, as amended by subsequent acts, is hereby amended so as to conform to the provisions of this act.

Chapter 276, Laws of 1871.

AN ACT to provide for the better support of the poor in the city and town of Newburgh, in the county of Orange.

Section 1. The annual report required by the fifth section of the act entitled "An act for the better support of the poor in the town of Newburgh, in the county of Orange," passed March twenty-three, eighteen hundred and fifty-three, and the several acts amendatory thereof, to be made by the commissioners of the almshouse of the city and town of Newburgh, shall, after the year eighteen hundred and seventy-one, be made by said commissioners on the first day of March in each and every year, and shall

igned, filed and published as required by said fifth section of said act.

§ 2. All penalties which may hereafter be incurred for violation, committed either in the city of Newburgh or the town of Newburgh, in the county of Orange, of any of the laws of this State relating to the sale of intoxicating liquors, may be sued for and recovered by the commissioners of the almshouse of the city and town of Newburgh by civil action, in their corporate name, before any justice of the peace of said city or town, or in the county court of Orange county, or in the supreme court; and said penalties, when collected, shall be applied to the support of the poor of said city and town.

§ 3. All moneys which shall be collected and received by the commissioners of excise in the city of Newburgh, in the county of Orange, or by any other officers of said city or town arising from licenses granted in said city and town under the laws of this State regulating the sale of intoxicating liquors, or for penalties incurred for violations of such laws committed in said city or town, shall be paid over by the officers receiving the same within twenty days after they shall receive the same to the commissioners of the almshouse of the city and town of Newburgh, for the support of the poor of said city and town.

§ 4. All fines imposed or hereafter to be imposed by the recorder of the city of Newburgh, or by any justice of the peace of the town of Newburgh, or by any court of criminal jurisdiction in the county of Orange, for drunkenness, or for violation of any of the laws of this State relating to intoxicating liquors, or the sale thereof, shall be paid over by the officer or officers receiving such fines to the commissioners of the almshouse of the city and town of Newburgh, for the support of the poor of said city and town.

§ 5. All acts or parts of acts relating to the support of the poor in the city and town of Newburgh, in the county of Orange, and to the sale of intoxicating liquors, so far as the latter are applicable to said city and town, inconsistent with the provisions of this act, are hereby repealed.

NEW ROCHELLE, WESTCHESTER COUNTY.

(Note.—Commissioner of charities appointed by the mayor and common council for a term of two years at a salary of \$700.)

Chapter 128, Laws of 1899.

ARTICLE VIII.

DEPARTMENT OF CHARITIES.

Section 140. Appointment of commissioner.

141. Powers and duties of commissioner of charities.

142. Monthly report of commissioner.

143. Common council to audit accounts.

144. Commissioner not to be interested in purchases.

Section 140. Appointment of commissioner.—During the month of May, immediately after the passage of this act, there shall be appointed in the manner provided by this act one commissioner of charities, who shall hold his office until February first, nineteen hundred and two. In the month of January, nineteen hundred and two, and each alternate year thereafter the common council in the same manner shall appoint a commissioner of charities for the term of two years to succeed the commissioner whose term expires in that year.

§ 141. Powers and duties of the commissioner of charities.—Except as otherwise provided by this act, the commissioner of charities of the city of New Rochelle shall have and exercise within the city of New Rochelle the same powers and discharge the same duties, to the exclusion of any other officer, as overseers of the poor in towns. The commissioner of charities of the city of New Rochelle shall, by virtue of his office, also possess all the powers and authority of overseers of the poor of the several towns of this state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and all such other powers as are conferred on overseers of the poor in the respective towns of the state, and shall be subject to the same duties, obligations and liabilities. He shall keep his office in the city hall if the common council shall so provide. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and

examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief, or medical attendance, provided that the amount to be expended by him for medical attendance shall not exceed six hundred dollars in any one year, unless authorized by the common council to expend a larger amount. The commissioner of charities shall have power to administer oaths to, and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed willful perjury. For all purposes relative to the maintenance and support of the poor, the city of New Rochelle shall be deemed one of the towns of Westchester county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 142. Monthly report of commissioner.—The commissioner shall, at the first regular meeting of the common council in each month, report to the common council under oath, in detail, all appropriations, expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise, as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals and lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 143. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or meals, provisions or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the treasurer upon the warrant of the mayor, countersigned by the clerk.

§ 144. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods, articles or relief. For any violation of any provisions of this section, said commissioner shall be removed from office by the common council and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

NEW YORK, NEW YORK COUNTY.

(Note.—Commissioner of charities appointed by the mayor for a term of four years at an annual salary of \$7,500.)

Chapter 378, Laws of 1897.

CHAPTER XIII.

TITLE I.

DEPARTMENT OF PUBLIC CHARITIES.

§ 658. Commissioner of public charities; jurisdiction; salary.—The head of the department of public charities shall be called the commissioner of public charities. The terms of office of the members of the board of public charities, except the president thereof, appointed pursuant to the provisions of the Greater New York charter shall cease and determine on the first day of January, nineteen hundred and two, and the president of the said board of public charities shall thereupon become the commissioner of public charities. The salary of the commissioner of public charities shall be seven thousand five hundred dollars a year. The principal office of the department shall be in the borough of Manhattan. There may be a branch office in each of the other boroughs. (*As amended by chapter 466 of the Laws of 1901.*)

§ 659. Rules and regulations; subordinate officers.—The said commissioner shall have power to establish general rules and regulations for the administration of the department and the government of the institutions under its jurisdiction except the

stitutions specified in section six hundred and sixty-one of this act, and except as provided in title two of this chapter, and such general rules and regulations shall be so far as practicable uniform in all the boroughs. The commissioner shall have power to appoint and in his discretion to remove not more than two deputies, to be known as first deputy, and second deputy, and shall define their duties. The first deputy shall during the absence or disability of the commissioner possess all the powers and perform all the duties of the commissioner except the power of making appointments. In the absence or disability of both the commissioner and the first deputy, the second deputy shall possess all the powers and perform all the duties of the commissioner, except the power of making appointments. The commissioner, within the limits of his appropriation, shall have power to appoint and remove subject to the requirements of the civil service laws such subordinate officers and assistants as may be necessary for the efficient performance of his duties as said commissioner. (*As amended by chapter 466 of the Laws of 1901.*)

§ 660. Public institutions under the jurisdiction of the commissioner.—The commissioner shall have jurisdiction over, and it shall be his duty to take charge of and to establish and enforce rules and regulations for all hospitals, asylums, almshouses and other institutions belonging to or hereafter acquired or established by the city of New York, which are or shall be devoted to the care of the feeble-minded, the sick, the infirm and the destitute; except the island known as Ward's Island and the buildings and improvements thereon, and the equipment, fixtures and furniture of the asylums for the insane on said island during the continuance of the lease thereof heretofore made by the city of New York to the State of New York, and except the hospitals specified in title two of this chapter and such other institutions as are by law placed under the charge of some other department or board. Such buildings and grounds on Blackwell's Island as are now used for the care of the insane pursuant to the provisions of chapter two of the laws of eighteen hundred and ninety-six shall, when the insane shall have been removed therefrom, and the buildings and grounds, together with the equipments, fixtures and furniture of the buildings now leased to the State by the

county of Kings for the care of the insane, when said lease expires, shall be under the jurisdiction of the commissioner of public charities. (*As amended by chapter 466 of the Laws of 1901.*)

§ 661. Payments to private institutions.—No payment shall be made by the city of New York to any charitable, eleemosynary or reformatory institution wholly or partly under private control for the care, support, secular education, or maintenance of any child surrendered to such institution, or committed to, received or retained therein in accordance with sections six hundred and sixty-four, six hundred and sixty-five, six hundred and sixty-six and six hundred and sixty-seven of this act, except upon the certificate of the commissioner of public charities that such child has been received and is retained by such institution pursuant to the rules and regulations established by the state board of charities. Money paid by the city of New York to any such institution for the care, support, secular education or maintenance of its inmates shall not be expended for any other purpose. Whenever the commissioner shall decide, after reasonable notice to the institution and a hearing, that any such child as aforesaid who is received and retained in such institution is not a proper charge against the public, and notice of such decision in writing is given by him to such institution, thereupon all right on the part of said institution to receive compensation from the city for the further retention of the child shall cease. He shall file in the office of the department a statement of the reasons for his decision and of the facts upon which it is founded, and shall furnish a copy to the institution where the child is detained. His decision may be reviewed on certiorari by the supreme court. (*As amended by chapter 466 of the Laws of 1901.*)

§ 662. Powers of the commissioner as to destitute and other persons.—The commissioner of public charities shall have all the authority concerning the care, custody and disposition of insane, feeble-minded, sick, infirm and destitute persons heretofore conferred upon the board of public charities and upon the several commissioners of public charities and he shall be subject to the same obligations and discharge the same duties in respect to such persons, except in so far as the same are inconsistent with or a

modified by this act and the amendments thereof. The commissioner shall be the overseer of the poor of the city of New York, as constituted by this act. The commissioner shall not have power to dispense any form of outdoor relief except as expressly provided in this chapter, but the commissioner shall have power to pay for the cost of the removal or transportation of any person who may come under his charge whenever in his judgment the city will thereby be relieved from an unnecessary or improper charge. The commissioner shall make provision for the temporary care of vagrant and indigent persons, and shall provide for an investigation into the circumstances of all such persons, and shall cause every person who is found upon investigation to be a vagrant, to be brought before a magistrate pursuant to law. The board of estimate and apportionment and the board of aldermen shall in each year appropriate such sum as in their judgment may be necessary to carry out the provisions of this section. (*As amended by chapter 466 of the Laws of 1901.*)

§ 663. Classification and instruction of inmates.—It shall be the duty of the commissioner of public charities to investigate the circumstances of every person admitted to an institution under his charge and of the near relatives of such person. Such investigation shall be made, when practicable, before the admission of such person, and the results of investigation shall be placed on file and preserved with the records of the department. It shall be the duty of the commissioner to cause all the inmates of public institutions under his charge to be classified so far as practicable. The inmates of the almshouse or almshouses shall be classified at the time of their admission upon the basis of previous character and conduct, but such inmates may be transferred or reclassified in accordance with their conduct in the institution. Every inmate of the almshouse whose age and health will permit shall be employed in cultivating the ground under the control of the commissioner, or in manufacturing such articles as may be required for ordinary use in the public institutions under the control of the commissioner, or for the use of any department of the city of New York, or in preparing and building sea walls upon islands or other places belonging to the city, or such mechanical or other labor as shall

be found from experience to suit the capacity of the individual. The articles raised or manufactured by such labor shall be subject to the order of, and shall be placed under the control of the commissioner, and all such articles shall be utilized so far as practicable in the public institutions under the charge of the department of charities or in some other department of the city. All the land under the jurisdiction of the commissioner, not otherwise occupied or utilized, and which is capable of being cultivated, shall, in the discretion of said commissioner, be used for agricultural purposes. The commissioner, within the limits of his appropriation, may establish and maintain in the public institutions under his charge such schools or classes for the instruction and training of inmates as may in his opinion be desirable. *(As amended by chapter 466 of the Laws of 1901.)*

§ 664. Powers of the commissioner and deputy commissioner as to destitute and other children.—The commissioner, or deputy commissioner of public charities shall have power to commit, to indenture, place out, discharge, or transfer any child who may be in his custody, or who may have been placed by him in an institution as a public charge, whenever in his judgment it shall be for the best interests of such child so to do, and he and his successors in office shall have power to revoke and cancel any such indenture or agreement, and to make contracts for the maintenance of any such child, in placing out or indenturing such children the commissioner or the deputy commissioner, may assign one or more of his subordinates to make the necessary investigations and he may employ any duly incorporated charitable institution or society and may reimburse such institution or society for any expenses, other than salaries, actually incurred in the placing out, supervision and transfer if necessary, of children who are public charges. The word institution, whenever used in this chapter, shall include any charitable corporation, one of whose objects is the care of children or the placing of children in families. An institution to which a child has been committed, as herein provided, shall have the authority to place such child in a family, or bind out such child by indenture, or consent to his adoption. In indenturing, placing out, transferring or committing any such child, the commissioner, or

deputy commissioner, or any institution or society employed by him shall, when practicable, indenture or place out such child with an individual of the like religious faith as the parents of such child, or transfer or commit such child to an institution governed by persons of the same religious faith of the parents of such child. In respect to such minors so committed to or otherwise placed under his charge the commissioner or deputy commissioner shall have such additional powers as were on the first day of January, eighteen hundred and ninety-eight vested by law in the corresponding officers of the corporation known as the mayor, aldermen and commonalty of the city of New York of the corporation known as the city of Brooklyn, and the counties of Kings, Richmond and Queens mentioned in section six hundred and sixty-two of this act. The commissioner or deputy commissioner shall not commit children to any institution which shall have been certified by the state board of charities to have failed to comply with the rules and regulations established by that board pursuant to section fourteen of article eight of the constitution, nor shall he commit any child to any institution not situated in the city of New York unless such institution shall have been certified by said board to be properly protected from fire and other dangers. (*As amended by chapter 466 of the Laws of 1901; and chapter 187 of the Laws of 1905.*)

§ 665. Notice of commitment of children.—Whenever any child, actually or apparently, under the age of sixteen years, is brought before any court or magistrate in the city of New York, as constituted by this act, pursuant to section eight hundred and eighty-eight of the code of criminal procedure, or is found destitute of means of support the magistrate presiding, or court before whom or which such child is brought shall thereupon fix a day not more than five days distant for the hearing and final disposition of the charge against said child, and shall, at the same time, in addition to such other notices as may be required by law, give notice, in writing, of such arrest to the commissioner of public charities and to the Society for the Prevention of Cruelty to Children duly authorized to carry on its work in the county in which said arrest is made, which notice shall state the name of the child, its age, either actual or apparent, its sex, color, birth-

place, residence, father's name, mother's name, parents' religion and parents' occupation, each if known; the specific charge upon which the arrest is made; the name of the officer making the arrest, and the name and address of the complaining witness, if any there be. And such court or magistrate may temporarily commit such child to the custody and care of an institution to which said court or magistrate is authorized by law to make final commitment. (*As amended by chapter 466 of the Laws of 1901.*)

§ 666. Children committed as public charges; investigation.—The commissioner may appear either by clerk or by counsel on all hearings or proceedings for the commitment of children. He shall investigate the circumstances of their relatives, whose duty it is to relieve and maintain them, and shall on or before the final hearing therein, file with the court or magistrate a statement in writing of such fact or facts as in the opinion of the commissioner render it proper or improper that such child should be supported as a public charge at the expense of the city; and such written statement of fact or facts when so filed shall be preserved with and form a part of the record of the proceedings instituted by the arrest of such child. Omission or failure to file such statement shall not be ground for delaying the final decision. (*As amended by chapter 466 of the Laws of 1901.*)

§ 667. Term of commitment of children; discharge.—The term of commitment of each child committed in the city of New York, as constituted by this act, under any of the provisions of section six hundred and sixty-four, six hundred and sixty-five, and six hundred and sixty-six of this act shall be until such child shall attain the age of sixteen years or until it shall be duly indentured or placed out as an apprentice by the institution to which it shall have been committed, or until it shall be given over in adoption by said institution to some suitable person, or until returned to its parents, relatives, or guardians, or otherwise discharged. Each institution mentioned in section six hundred and sixty-one of this act, shall file with the commissioner, at the end of every three months a list of all the children referred to in section six hundred and sixty-one, six hundred and sixty-four, six hundred and sixty-five and six hundred and sixty-six of this act, received

or discharged from said institution during the month, which shall contain the names and residence of the parents and guardians of the children as far as known. Every such institution shall keep a book in which it shall cause to be entered the name and address of each parent, relative or other person visiting an inmate of such institution who is in whole or in part a charge on the city of New York, and such name and address shall be entered upon the occasion of each visit by any such person. (*As amended by chapter 466 of the Laws of 1901.*)

668. Saving clause as to certain existing laws.—Nothing contained in the foregoing sections shall be construed to alter or affect any provision of chapter one hundred and seventy-two of the laws of eighteen hundred and sixty-five, or of chapter four hundred and thirty-nine of the laws of eighteen hundred and eighty-two, or of chapter three hundred and fifty-three of the laws of eighteen hundred and eighty-six. (*As amended by chapter 466 of the Laws of 1901.*)

669. Record of inmates of institutions.—It shall be the duty of the commissioner of public charities to keep and preserve a proper record of all persons who shall come under his care or custody and of the disposition made of such persons, with full particulars as to the name, age, sex, color and nativity of each, and in case of minors the names and residence of parents and of their religious faith so far as ascertained, and the religious faith, residence of the persons or families with whom or of the persons in charge of the institution in which they are placed, together with copies of any instrument of indenture or agreement executed by such commissioner. And it shall also be the duty of the commissioner to keep and preserve such records of all persons who are inmates of private institutions, who are accepted by him as proper charges upon the city. (*As amended by chapter 466 of the Laws of 1901.*)

670. Temporary care in accident cases.—Any person injured or taken sick on the streets or in any public place within said city, who may not be safely removed to his or her home, may be taken to and shall be received in any public hospital within said city, for temporary care and treatment, irrespective of his or her place of residence. (*As amended by chapter 466 of the Laws of 1901.*)

§ 671. Temporary care of the insane.—The commissioner shall provide and maintain as may be necessary suitable rooms and wards for the reception, medical examination and temporary care of persons alleged to be insane for the boroughs other than Manhattan and the Bronx. (*As amended by chapter 466 of the Laws of 1901.*)

§ 672. Alteration and repair of buildings.—The commissioner shall, whenever the increase of inmates in or the proper care and government of the public institutions or establishments under his jurisdiction shall in his judgment render necessary or expedient, shall have power provided an appropriation has been made therefor to enlarge or alter the buildings occupied by such institutions or establishments or any of them, and to make all needed repairs to buildings and property under his control. (*As amended by chapter 466 of the Laws of 1901.*)

§ 673. Potter's field; power to establish crematories.—The commissioner shall have charge of the potter's fields, and shall, when the necessity therefor shall arise, have power to lay out additional potter's fields or other public burial place for the poor and strangers, and from time to time to enclose and extend the same, to make enclosures therein and to build vaults therein, and to provide all necessary labor therefor and for interments therein. Provided, however, that the potter's field on Hart's Island shall remain under the control of the department of correction, and the burial of deceased paupers therein shall continue under rules and regulations as provided in section six hundred and ninety-five of this act. The commissioner of public charities and the commissioner of correction are respectively empowered to cause to be cremated the bodies of deceased paupers and criminals where relatives do not object to such cremation; and the board of estimates and apportionment, with the approval of the board of aldermen, may cause to be erected and equipped proper facilities for such cremation. (*As amended by chapter 466 of the Laws of 1901.*)

§ 674. Accounts; annual estimates; expenditures.—The commissioner shall keep accurate and detailed accounts, in a form approved by the comptroller, of all moneys received and expended by him, the sources from which they are received and the purposes for which they are expended. The commissioner shall, on or before the first day of September in each year, prepare an item-

estimate of his necessary expenses for the ensuing fiscal year, which shall be submitted to the board of estimate and apportionment within the time prescribed by this act for the submission of estimates for the several departments of the city. The commissioner shall incur no expense for any purpose in excess of the amount appropriated therefor; nor shall he expend any money so appropriated for any purpose other than that for which it was appropriated. (*As amended by chapter 466 of the Laws of 1901.*)

675. Advertisements for supplies.—The commissioner of public charities shall, from time to time, as may be necessary, advertise in the City Record and the corporation newspapers for not more than ten days for proposals for such articles and supplies as may be necessary to be used in and for the relief and support of the poor of the city, and which cannot be supplied by his department or by the department of correction, and shall award contracts for the same to the lowest bidders, who shall give adequate security for the faithful performance of such contracts. In case of an emergency or in the purchase of perishable articles the commissioner may purchase without calling for competition at a special expense not exceeding three thousand dollars during any one month. The commissioner shall in the case of each such purchase enter in a book to be kept for that purpose, a detailed statement of the facts which render purchase by contract impracticable. (*As amended by chapter 466 of the Laws of 1901.*)

676. Expenditures for the relief of the blind.—The commissioner is hereby authorized and empowered to insert in his annual estimate of expenditures an item of expenditure for the relief of the poor adult blind not to exceed in all seventy-five thousand dollars. The commissioner shall distribute the sum so appropriated each year in uniform sums not to exceed one hundred dollars to any one person, to such poor adult blind persons, not inmates of any of the public or private institutions in the city of New York, who shall be in need of relief and who shall be citizens of the United States, and shall have been residents of said city continuously for two years previous to the date of application for such relief. (*As amended by chapter 466 of the Laws of 1901.*)

§ 677. Detail of inmates of correctional institutions to work in department.—The commissioner may, from time to time, in his discretion, request the department of correction to detail and des-

ignate inmates of the correctional institutions of the city to perform necessary work, labor and services in and upon the grounds and buildings which are under the charge of the said commissioner, and such inmates of such correctional institutions when so employed shall at all times be under the personal oversight and direction of a keeper or keepers from such correctional institutions as the department of correction may deem necessary; but no inmate of any correctional institution shall be employed in any capacity whatever in any ward of any hospital under the jurisdiction of the department of public charities while such ward is being used for hospital purposes. The provisions of this section shall not be construed to limit the power of said commissioner to make requisition upon the commissioner of correction as provided by section seven hundred and one of this act. (*As amended by chapter 466 of the Laws of 1901.*)

§ 678. Care of nonresidents in city hospitals.—The commissioner of public charities is hereby authorized in his discretion to permit the reception and treatment in hospitals under his jurisdiction of persons who do not reside in the city of New York, provided that every person so receiving treatment shall be required to pay such sum for board and attendance as may be fixed by such commissioner, and provided that no such persons shall be received to the exclusion of patients who reside in said city. Such commissioner shall collect and pay over all such moneys to the chamberlain once every month, and the amount so collected shall be paid into the general fund. The commissioner shall upon making such payments to the chamberlain report the same to the comptroller of the city of New York. (*As amended by chapter 466 of the Laws of 1901.*)

§ 679. Requisition of subordinate officers.—Each superintendent, warden or chief officer of every institution under the charge of the commissioner shall make his requisition in writing on the commissioner for all articles deemed necessary by the said officer to be used in the respective institutions under his charge, and shall keep an accurate account of the same. (*As amended by chapter 466 of the Laws of 1901.*)

§ 680. Reports of subordinate officers.—Each such superintendent, warden or other chief officer of every institution under the

charge of the commissioner shall once in each week report in writing to the commissioner the number of persons who have been received or transferred, who are sick, who have died, and who are remaining in the respective institutions under his charge, the discipline which has been maintained therein, the punishments imposed, and the quantity and kind of labor performed, and such other information as the commissioner may require. (*As amended by chapter 466 of the Laws of 1901.*)

§ 682. Hours of labor; discipline.—The hours of labor required of any pauper or other person committed to or placed under the charge of the commissioner of public charities shall be fixed by the commissioner. In case any such pauper shall neglect or refuse to perform the work allotted to him or her by the person in charge, or shall violate the rules and regulations of the institution, it shall be the duty of the superintendent of the almshouse to report such insubordination or violation to the commissioner, who may thereupon direct the punishment of such pauper by solitary confinement and by being fed on bread and water only for such length of time as he may consider necessary. In case any pauper shall neglect to perform the work assigned to him or her, or be guilty of any such violation on three or more separate occasions, the said commissioner may cause such pauper to be brought before the proper court or magistrate, and such court or magistrate may commit such pauper to the workhouse or penitentiary as a disorderly person. (*As amended by chapter 466 of the Laws of 1901.*)

§ 683. Support of poor persons by relatives.—The grandparents, parents, children and grandchildren of sufficient ability, of a poor person who is insane, blind, old, lame, impotent or decrepit, so as to be unable by work to maintain himself, and the grandparents and parents of a destitute child must at their own charge relieve and maintain him in the manner to be approved by the commissioner. If the relative of a poor person of sufficient ability, fails to maintain and relieve him, as in this section provided, the said commissioner may apply to any city magistrate, or any court of record having jurisdiction of the defendant, for an order to compel such relief, and the proceedings to be taken to make such an order and the enforcement thereof, shall be the

same and in like manner as those provided in sections six hundred and eighty-five and six hundred and eighty-six of chapter four hundred and sixty-six of the laws of nineteen hundred and one. (*As amended by chapter 362 of the Laws of 1904.*)

§ 684. Conduct of bastardy proceedings.—All bastardy proceedings shall be conducted by and in the name of the commissioner, and the amount collected shall be paid to the commissioner, to be by him applied to the support of the child or of the child and its mother, and shall be accounted for by him in a manner approved by the comptroller. The commissioner shall have authority to compromise bastardy and abandonment cases. (*As amended by chapter 466 of the Laws of 1901.*)

§ 685. Maintenance of abandoned wives and children.—Every person in the city of New York, as constituted by this act, who actually abandons his wife or children without adequate support, or leaves them in danger of becoming a burden upon the public, or who neglects to provide for them according to his means, or who threatens to run away and leave his wife and children a burden upon the public, may be arrested upon a complaint made under oath to a city magistrate and a warrant thereon issued, and brought before such magistrate, as provided by section nine hundred of the code of criminal procedure. And thereupon it shall appear by the confession of the defendant or by competent testimony that he is guilty of the charge, the said magistrate shall make an order specifying a reasonable sum of money to be paid weekly for the space of one year thereafter by such defendant to the commissioner of public charities for the support of the wife or children. But nothing in this chapter contained shall apply to or affect an order for the payment of money for the support of a child in an institution pursuant to the provisions of section two hundred and eighty-eight of the penal code or of section nine hundred and twenty-one of the code of criminal procedure. (*As amended by chapter 466 of the Laws of 1901.*)

§ 686. Commitments in abandonment proceedings; surety.—Any person convicted of any of the offenses hereinbefore recited shall, upon being served with such order, enter into a bond to the people of the state in such sum as such city magistrate shall direct, with good and sufficient surety to be approved by the said city magistrate, that such person will pay weekly for the space

the year such sum for the support of the wife or children or either or any of them, as has been ordered as aforesaid, to the commissioner of public charities. In default of such surety being found, the city magistrate shall make up, sign and file in the office of the clerk of the county in which such conviction is had, a record of the conviction of such offender as a disorderly person, specifying generally the nature and circumstances of the offense and the names of the witnesses by whom it has been established, and shall by warrant commit such offender to the workhouse on Blackwell's Island, or to the penitentiary or jail in the borough where the conviction is had, there to remain until such surety be found or such offender be discharged according to law, or he shall sentence such offender to imprisonment in the penitentiary, for a term not exceeding six months or until such offender gives the security as hereinbefore provided or is discharged according to law. Upon the trial or hearing of all complaints for any or either of the offenses hereinbefore referred to, the wife shall be a competent witness therein against her husband, as to all matters embraced in said complaint. (*As amended by chapter 466 of the Laws of 1901.*)

§ 687. Actions on bonds in abandonment proceedings.—Any suit, action or proceeding brought or instituted upon any bond or recognizance given in pursuance of the preceding section shall be brought and prosecuted by and in the name of the commissioner of public charities, and all moneys recovered in any suit, action or proceeding shall be paid to the commissioner to be by him applied and expended for the support of the wife and children, or either or any of them, of the person against whom the order mentioned and provided for in section six hundred and eighty-five of this act shall have been made. If the person charged with the offenses hereinbefore recited or either of them is admitted to bail, the undertaking of his bail shall be for the future appearance of the defendant according to the terms of the undertaking, or that the bail will pay to the commissioner a specified sum in the event of such failure to appear, or if such person deposits a sum of money as directed by law instead of giving an undertaking of bail for his future appearance, and if such person shall thereafter fail to appear in accordance with the terms of said undertaking or the terms upon which the money was depos-

ited, then the said magistrate shall enter the fact of said person's nonappearance upon the minutes and the undertaking of his bail or money deposited instead of bail shall thereupon be forfeited. (*As amended by chapter 466, of the Laws of 1901.*)

§ 688. Recoveries in abandonment proceedings.—When such an undertaking is forfeited, an action may be brought in the name of the commissioner of public charities to recover the amount specified in such undertaking, and the amount recovered in said action shall be applied and expended for the support of the wife and children, or either or any of them, of the person charged with the offenses hereinbefore recited or either or any of such offenses, and when any money has been deposited instead of bail and which shall have been forfeited as hereinbefore provided, said money shall be paid to the commissioner, by the person with whom the said sum of money is deposited, upon presenting to him a certificate from the city magistrate certifying to the forfeiture thereof, which said certificate shall state the name of the person making the deposit, when it is made, the name of the defendant, and that the said sum of money was forfeited on account of the defendant's failure to appear as directed, and shall be signed by said magistrate. (*As amended by chapter 466 of the Laws of 1901.*)

§ 689. Appeals in abandonment proceedings; costs.—An appeal to the court of general sessions may be taken from the conviction before a city magistrate under this chapter within the county of New York, or to the county court in any other county within the city of New York, which said appeal shall be conducted under and in accordance with the provisions of the code of criminal procedure of the state of New York, except that the judge allowing the appeal must take from the defendant a written undertaking in such sum and with such sureties as he may approve, that defendant will abide the judgment of the appellate court upon the appeal, and will pay all costs which may be awarded against him, and except that all notices required by said code of criminal procedure to be served upon the district attorney upon such appeal shall be served upon the commissioner of public charities, and the commissioner may appear by clerk or counsel upon the hearing of such appeal. The court must award costs to the party in whose favor the appeal is determined, as follows, besides disburse-

ents: To the appellant upon reversal, thirty dollars; to the respondent upon affirmance, twenty-five dollars. When awarded to the appellant they must be paid by the comptroller of the city of New York, on the delivery to him of a certified copy of the order of reversal, and must be charged to the contingent account of the commissioner of public charities. When awarded to the respondent the payment of costs may be enforced as in a civil action, and in an action brought therefor against the sureties on the undertaking given on the allowance of the appeal, the production of a certified copy of the order of affirmance shall be conclusive evidence. If a new trial is ordered it must be had in the court where the appeal was heard, before a judge without a jury.

An appeal to the court of general sessions may be taken in an abandonment proceeding, by the commissioner of public charities whose name the proceeding is brought, from a decision or judgment of a city magistrate under this chapter, within the county of New York; or to the county court in any other county which wholly or partly within the city of New York, as constituted by its act.

For the purpose of appealing the commissioner must within ten days after such decision or judgment make an affidavit showing the alleged errors in the proceeding in which the decision or judgment was rendered, and must within that time present it to the county judge of the county where the proceeding was brought or to a justice of the supreme court in that department, in the county of New York to the recorder or a judge authorized to hold a court of general sessions, and apply thereon for an allowance of the appeal.

If, in the opinion of the justice, judge or recorder to whom the affidavit is submitted, it is proper that the questions set forth in the affidavit should be decided by the appellate court, he must endorse upon the affidavit an allowance of an appeal to that court. and the commissioner must within five days thereafter serve a copy of such affidavit upon which the appeal was granted, together with a notice that the same has been allowed, upon the defendant in the abandonment proceeding or upon the attorney or counsel who last appeared for the defendant therein.

Sections seven hundred and fifty-five, seven hundred and fifty-six, seven hundred and fifty-seven and seven hundred and fifty-eight of the code of criminal procedure shall apply to the appeal herein provided.

The appeal may be brought to argument by the commissioner or the defendant upon ten days' notice to the opposite party, to be served personally on the commissioner or, either personally upon the defendant or personally upon the attorney who last appeared for the defendant.

The appeal shall be heard and disposed of in the manner provided by sections seven hundred and sixty-three, seven hundred and sixty-four, seven hundred and sixty-five, seven hundred and sixty-six and seven hundred and sixty-nine of the code of criminal procedure, except that if a new trial be ordered, it shall be had in the court where the appeal was heard, before a judge without a jury, and, pending such new trial, the judge shall issue a warrant for the arrest of the defendant, and may hold him to bail as upon an indictment.

Upon an appeal taken by the commissioner of public charities no costs shall be awarded to either party. (*As amended by chapter 466 of the Laws of 1901.*)

§ 690. When new security be required after conviction in abandonment proceedings.—Upon the recovery of a bond given by the defendant upon conviction in abandonment proceedings as prescribed in section six hundred and eighty-six; or upon proof by affidavit by the commissioner that he has caused diligent efforts to be made to serve personally upon a surety on such a bond, a summons in an action brought thereon for a default in the terms thereof, but has been unable to effect service upon such surety; or that a surety has been adjudged a bankrupt, the city magistrate then sitting in the court in which such bond was given may issue a warrant for the arrest of the defendant, in whose behalf the bond was given, and require him to give new security or in default thereof may commit him, under the original order and conviction, in the manner prescribed in section six hundred and eighty-six; provided, however, that the total imprisonment upon such order shall not exceed six months in any year. (*As amended by chapter 466 of the Laws of 1901.*)

§ 691. Support of bastard children.—If at any time after an order of filiation in bastardy proceedings shall have been made, and an undertaking given thereon, in accordance with the provisions of this act and of the code of criminal procedure such undertaking shall not be complied with, or that for any reason a recovery thereon cannot be had, or if the original undertaking shall have been complied with, and the sureties discharged therefrom, or if money were deposited in lieu of bail, and the same shall have been exhausted, and the bastard still needs support, the overseers of the poor of any county, city or town, or the commissioner of public charities, where the bastard, for whose support the order of filiation was made, shall be at the time, may upon proof of the making of the order of filiation, the giving of the above mentioned undertaking, and the noncompliance therewith, or that the sureties have been discharged from their liability, or that for any reason a recovery cannot be had on such undertaking, apply to the court in such county, city or town, having jurisdiction in bastardy proceedings, for a warrant for the arrest of the defendant against whom such order of filiation was made, which shall be executed in the manner provided in the code of criminal procedure for the execution of the warrant; upon the arrest and arraignment of the defendant the said court, upon proof of the making of the order of filiation, the giving of the above mentioned undertaking, and the noncompliance therewith, or that for any reason a recovery cannot be had on such undertaking, shall make an order requiring him to give a new undertaking in the manner provided in subdivision one of section eight hundred and fifty-one of the code of criminal procedure for giving an undertaking on conviction, or upon his failure to so give a new undertaking, shall commit him in the manner provided in section eight hundred and fifty-two of said code of criminal procedure. (*As amended by chapter 362 of the Laws of 1904.*)

BELLEVUE AND ALLIED HOSPITALS IN THE CITY OF NEW YORK.

TITLE II.

§ 692. Board of trustees, jurisdiction, powers and duties.—
1. On the first day of February, nineteen hundred and two, the

jurisdiction of the department of public charities of the city of New York over Bellevue hospital and the Fordham, Harlem and Gouverneur hospitals and the Emergency hospital in East Twenty-sixth street in the city of New York, shall cease, and the care, management and control of such hospitals shall be vested in a board of trustees, which shall on said date succeed to all rights, duties and powers heretofore vested in said department of public charities so far as concerns said hospitals. Said board of trustees shall consist of seven residents of the city of New York, together with the commissioner of public charities, ex officio. It shall be known as the "Board of Trustees of Bellevue and Allied Hospitals." In the month of January, nineteen hundred and two, the mayor of the city of New York shall appoint one resident of the city of New York to serve as such trustee for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years, one for the term of six years and one for the term of seven years, from the first day of February, nineteen hundred and two. In the month of January and on or before the twentieth day thereof, prior to the expiration of the term of office of any trustee, the mayor shall appoint his successor for the full term of seven years. The mayor shall fill any vacancy in the board caused by the death of a trustee, his resignation, removal from the city or otherwise, by the appointment of a trustee to hold office for the unexpired term. Every person appointed to serve as such trustee shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of the state.

2. For the purpose of making the appointments aforesaid, the said mayor shall call upon the president or other executive head of each of the following organizations, to wit: The United Hebrew Charities of the City of New York, the Particular Council of New York of the Society of St. Vincent de Paul in New York, and the New York Association for Improving the Condition of the Poor, to present a list of not less than twice the number of persons to be appointed members of said board of trustees, to fill a vacancy or otherwise. Notice in writing of the dates on which appointments, including the first, to said board of trustees are proposed to be made shall be given by the mayor to each of said

1. No trustee shall be subject to removal under the provisions section ninety-five of this act, but any trustee may be removed the mayor upon proof either of official misconduct or neglect of duty or of conduct which tends to discredit his office or for mental or physical inability to perform his duties, but before such removal he shall receive due and timely notice in writing of the charges and a copy thereof, and shall be entitled to a hearing on the notice before the mayor and to the assistance of counsel on the hearing. No trustee shall receive pecuniary compensation for his services or be interested directly or indirectly in the furnishing or performing of work, labor, services, materials or supplies of any kind to or for said hospitals by contract or otherwise. No trustee shall hold any office of emolument under the city, county, state or national government, except the office of notary public, or commissioner of deeds, or officers in the national guard.

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and papers which are the property of the city of New York in the custody of said department of public charities, and to visit said hospitals, and to require at any and all times the attendance before them of the commissioner of public charities and of any of his employes and subordinates.

5. Said board of trustees shall organize within ten days after said trustees are appointed. It shall annually choose from its members, at a regular meeting to be held in the month of February, a president and a secretary for the term of one year. It shall establish rules and regulations for the administration and government of said hospitals. It shall administer the moneys appropriated for said hospitals, subject to the general provisions of this act relative to the audit and payment of claims. Said board shall have power to appoint and at pleasure to remove such superintendents, medical officers, subordinate officers and other employes as may be necessary for the efficient management and conduct of said hospitals, subject to the civil service laws and the rules and regulations of the municipal civil service commission. The board of trustees shall keep accurate and detailed accounts in a form approved by the comptroller, of all moneys received and expended by it, the sources from which they are received and the purposes for which they are expended. It shall during the month of January in each year transmit to the mayor a report as to the condition of the hospitals under its care and the management thereof during the year ending the preceding thirty-first day of December.

6. The medical board of Bellevue hospital, and allied hospitals shall be composed of the attending and consulting physicians and surgeons of said hospitals on the first day of February, nineteen hundred and two. They and such successors as the board of trustees may appoint shall serve without pecuniary compensation, and shall hold office so long as they shall perform the duties in a manner satisfactory to the said board of trustees. Vacancies occurring in said medical board shall be filled by the said board of trustees by appointment from the medical profession in the city of New York. The said board of trustees shall, on nomination of the said medical board, appoint medical and surgical house officers to the said hospitals, all of whom shall serve without pecuniary compensation.

Any person injured or taken sick in the streets or in any public square or place within the city of New York, who may not safely be removed to his or her home, may be sent to and shall be received in the said hospitals for temporary care and treatment, irrespective of his or her place of residence. The said board of trustees shall provide and maintain suitable rooms or wards for reception, medical examination and temporary care of persons judged to be insane.

The said board of trustees may permit the reception and treatment in the said hospitals, of persons who do not reside in the city of New York, provided that every person so receiving treatment shall be required to pay such sum for board and attendance as may be fixed by said board of trustees, and provided that such persons shall be received to the exclusion of patients who reside in said city. The said board of trustees shall collect and deliver over all such moneys to the chamberlain once every month, the amount so collected shall be paid into the general fund. The said board of trustees shall, upon making such payments to the chamberlain, report the same to the comptroller of the city of New York.

The board of estimate and apportionment and the board of firemen shall in each year appropriate such sum as in their judgment may be necessary for the support and maintenance of the said hospitals. It shall be the duty of the board of trustees to send to the board of estimate and apportionment, on or before the first day of September in each year, an estimate in writing of the sum needed for the ensuing year in the same manner and general form as the heads of departments and other boards of the city of New York are required to furnish.

10. Whenever any sick person in Bellevue or other hospitals hereinbefore mentioned shall, in the judgment of the board of trustees, cease to be a proper case for treatment therein, said board may cause such person to be transferred to the care, custody and control of the commissioner of public charities, who shall forthwith receive and care for such person. In case any sick person under treatment in any of said hospitals shall die while under the care of the board of trustees, the latter, by their properly designated officer or employe, may call upon the commissioner of public charities forthwith to receive and remove the body of such

person, and it shall thereupon be the duty of such commission forthwith to receive and remove the same for burial or other proper disposition. The cost and expense of such reception, removal, burial or other proper disposition shall be borne and paid by the department of public charities. (*As amended by chapter 466 of the Laws of 1901.*)

11. In order that suitable trained nurses for the sick in Bellevue and other hospitals may be provided, the board of trustees of Bellevue and allied hospitals shall have power, subject to the approval of the mayor of the city of New York as to terms and conditions, to enter into a contract or contracts with the Bellevue training school for nurses for the occupation and use of any building or buildings as a training school for nurses, for the purpose of continuing, improving and increasing its service in supplying to Bellevue and other hospitals trained nurses for the sick in said hospitals. (*Added by chapter 153 of the Laws of 1906.*)

NIAGARA FALLS, NIAGARA COUNTY.

(Note.—Overseer of the poor elected for a term of two years at a salary of \$1,000, which includes rent and clerk hire.)

Chapter 300, Laws of 1904.

ARTICLE III.

§ 95. Overseer of the poor.—It shall be the duty of the overseer of the poor to investigate the character, habits, location of residence, condition and necessities of all applicants for assistance and relief, the result of which shall be recorded in a proper book to be kept for that purpose. He may employ two physicians to attend the poor, their compensation shall be fixed by the board of estimate and apportionment. He shall not approve or pay any bill, account or claim for supplies furnished by any dealer, merchant or other person, unless the claimant, his agent or legal representatives annex thereto an affidavit of such claimant, agent or representative, stating that the bill or account is just and correct, and that the items charged therein and specified in each accompanying order for supplies or relief have been in fact and in good faith furnished by the claimant to the person named in the order and to no other person, and that no part thereof has

n paid or satisfied and that there are no offsets thereto; nor
 compensation, expense or service, unless the affidavit shall
 te that the account is just and correct, and that no part thereof
 been paid or satisfied, and that there are no offsets thereto.
 shall take up and preserve all orders, bills, accounts and
 chers of his expenditures and payments and at least once a
 nth exhibit the same with his books and files to the common
 ncil, who shall proceed to audit the same. If said overseer
 the poor shall feel aggrieved by said audit he shall report to
 board of estimate and apportionment a detailed statement
 all his receipts and disbursements for any period said board
 y require, showing the money on hand, the date and amount
 each order or payment for temporary relief, and the person
 whom made or given, and all his other disbursements in like
 ail. Said report shall be verified by his oath taken before
 ne proper officer, that the same is, and the items thereof are
 rect to the best of his knowledge and belief. If said report
 ot sufficiently explicit, the board of estimate and apportion-
 nt may call for a further report, which the overseer shall im-
 diately furnish. Except as herein otherwise provided, said
 rseer shall have the same powers and duties, liabilities and
 onsibilities as overseers of the poor in the towns of Niagara
 nty, in all matters pertaining to the support and maintenance
 the poor of said city, and as to those matters the city shall
 regarded as a town of said county. Upon receiving said re-
 t, the board of estimate and apportionment shall thereupon
 ceed to consider and audit the account of said overseer, and
 ll have all the powers, duties and responsibilities of a board
 town auditors in the premises. The affidavits annexed to said
 rseer's report, or to any of said bills, accounts or vouchers,
 ll not be conclusive upon the said board in case it shall ap-
 ar that any claim or item in said report is illegal, unjust or
 proper, in whole or in a part, but in such case such item or
 ction thereof shall be disallowed, and said overseer and his
 eties shall be liable for the amount thereof. The board of
 imate and apportionment shall cause each of said reports of
 e overseer of the poor (except the names of the persons to
 om orders for temporary relief were given) to be published
 full, as part of the proceedings of the meeting. The city shall

continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money, or intoxicating liquor, or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

NORTH TONAWANDA, NIAGARA COUNTY.

(Note.—Commissioner of charities appointed by mayor for a term of one year at a salary of \$600.)

Chapter 361, Laws of 1897.

TITLE XIII.

COMMISSIONER OF PUBLIC CHARITIES.

Section 1. Qualifications.

2. Duties and powers.
3. Monthly reports.
4. Accounts to be audited.
5. No profit from supplies.

Section 1. Qualifications.—No member of the common council shall be a commissioner of public charities. Neither shall any person be appointed to the office, who, at the time of such appointment, shall be engaged or interested in business as a grocer, or saloon keeper, or hotel keeper, or in any wise concerned in the manufacture or sale of spirituous or malt liquors, ale or beer, and in case any person appointed to the office shall, during his term, become engaged or interested in either of the occupations above specified, his term of office shall thereupon cease, and the office become vacant, and the mayor shall forthwith appoint another in his place.

§ 2. Duties and powers.—The commissioner of public charities is hereby invested with all the powers and duties now or hereafter to be prescribed and provided by the general statutes of the state of New York, relating to the overseers of the poor in towns, so far as the same is applicable and not inconsistent with this act. It shall be the duty of the commissioner to visit the poor of the city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be

in need and entitled to permanent or temporary relief. The said commissioner shall require all persons making application for relief to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. The commissioner of charities shall have power to administer oaths to and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed willful perjury. The commissioner shall issue written orders for all means, provisions and supplies furnished to the poor of the city. He shall not employ any physician. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money, or intoxicating liquor, or in any way to dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 3. Monthly reports.—The commissioner shall, at the first regular meeting of the common council in each month, report to the common council under oath in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise, as the case may be, of each article ordered or furnished, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals or lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 4. Accounts to be audited.—All charges and accounts against said city for services rendered, acts done, or means, provisions or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be audited by the common council, and paid from the poor fund of said city.

§ 5. No profit from supplies.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines, or property belonging to

himself, or in which he shall have an interest or be interested, nor shall he be interested in any contract for such purchase of such groceries, provisions, medicines, fuel or property; nor shall he receive any commissions upon or for any goods or articles of relief furnished, or on any orders given by him for any such goods, articles or relief. For any violations of any provisions of this section said commissioner shall be removed from office by the mayor, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

OGDENSBURG, ST. LAWRENCE COUNTY.

(Note.—Superintendents of the poor elected for six years. No compensation.)

Chapter 28, Laws of 1882.

AN ACT for the support of the poor in the town of Oswegatchie, in the county of St. Lawrence.

Section 1. The town of Oswegatchie shall not hereafter be subject to taxation for the support or maintenance of the town poor of or in the other towns of the county of St. Lawrence, nor shall the other towns of the county of St. Lawrence be taxed or required to contribute to the support of the town poor of or in the town of Oswegatchie, but such town of Oswegatchie, for all the purposes of supporting it, or poor within its limits and carrying into effect the laws of the state for support and relief of such indigent persons, shall be separate and in distinct district.

§ 2. The office of overseer of the poor in the town of Oswegatchie is hereby abolished. There shall be a corporation in the said town by the name of "the superintendents of the poor of the town of Oswegatchie," which shall possess the usual powers of a corporation for public purposes. Frank Chapman, Daniel Wheeler, Samuel H. Palmer, Nathan Frank, Robert J. Donahue, and William Mayne, are hereby appointed such superintendents for the purpose of carrying into effect the provisions of this act. They shall be divided into three classes, and hold their offices for the periods following, that is to say: Frank Chapman and Daniel Wheeler, shall constitute the first class, and hold their offices until the first Tuesday of March, nineteen hundred and seven;

Samuel H. Palmer and Nathan Frank shall constitute the second class, and hold their offices until the first Tuesday of March, nineteen hundred and nine; and Robert J. Donahue and William Mayne shall constitute the third class, and hold their offices until the first Tuesday of March, nineteen hundred and eleven; and upon the expiration of their several terms of office, their places shall be filled by persons duly elected at the biennial town meetings held in the town of Oswegatchie for the year in which such terms of office shall expire, which elections shall be conducted in the following manner, that is to say: Each elector may place upon a separate ballot the name of one suitable person, who shall be a citizen of the United States, of full age and a resident of said town of Oswegatchie, under the words, "for superintendent of the poor," and deposit the same in a separate box to be provided for that purpose by the officers who shall preside at such town meetings; and a separate poll list shall be kept of the persons voting for such superintendents, and the two persons having the greatest number of votes, at such elections, shall be declared and deemed duly elected. And at every biennial town meeting thereafter there shall be elected, in the same manner, two persons as superintendents. The persons elected shall hold their office for the term of six years, and until others are duly elected in their places. (*As amended by chapter 170 of the Laws of 1905.*)

§ 3. The said superintendents of the poor may sue and be sued in their corporate name in any of the courts of this state. They shall have the sole and exclusive care and management of the poor in the said town, and shall provide for and maintain the persons enumerated in the fourteenth section of the act concerning "the relief and support of indigent persons," in the manner hereinafter mentioned, and for that purpose they shall have and exercise all the powers and authority now vested by law in the overseers of the poor of towns, and in superintendents of the poor of counties, not inconsistent with the provisions of this act. They shall also have and possess the powers following:

1. To appoint, by a resolution to be entered upon their minutes, an officer, to be denominated "the overseer of the poor of the town of Oswegatchie," together with such other agents as may be necessary in order to carry into effect the purposes of this act, which said overseer and other agents shall hold their

offices during the pleasure of the said superintendents, and receive such fixed annual salary as a compensation for their services as the said superintendents may direct. The said superintendents shall require their agent who may act as treasurer to give satisfactory bonds for the faithful discharge of duty as such treasurer.

2. To visit the poor of the said town at their several places of residence, and direct the overseer of the poor so to do, inquire and examine into their circumstances, the number and ages of the members of their families, the places of their former residence, their employments, for what length of time and to what extent they have been dependent on the public for support, their ability to labor, and the causes of their poverty; and the said superintendents may direct either permanent or temporary relief to such poor persons, under such rules and regulations as they may from time to time adopt.

3. To contract for, purchase and provide provisions, fuel, clothing, and other necessities for the support of or distribution among the poor, as in their judgment they may deem necessary.

4. The said superintendents shall have power to receive from the supervisor of the town of Oswegatchie the excise moneys received in said town outside of the limits of the city of Ogdensburg, with all fines, forfeitures and penalties which may accrue to them as such superintendents, and all fines, which are by law directed to be paid to the supervisors of the town for the support of the poor, which said several sums of money shall be applied to the support and relief of the poor in said town according to the provisions of this act, except that all moneys, excise moneys, fines, penalties, forfeitures and other moneys received in or for said town outside of the limits of the city of Ogdensburg shall be applied to them exclusively to the support and relief of the poor of the town outside of said city limits. All other moneys received by them shall be applied exclusively to the support and relief of the poor of the town within said limits. (*As amended by chapter 458 of the Laws of 1889.*)

5. The said superintendents shall also have power, and it shall be their duty, to sue in their corporate name for all violations of the excise laws committed in said town, in any court having jurisdiction of such suits. All other suits and proceedings which may now by law be prosecuted and maintained, in the name

the overseers of the poor of the town of Oswegatchie, to enforce civil remedies, shall and may hereafter be prosecuted and maintained, and such remedies may be enforced, in the name of the superintendents of the poor of the town of Oswegatchie, not in conflict with the charter of the city of Ogdensburg, but shall be additional thereto.

6. Such superintendents may also appoint one of their body president, who shall hold the office during their pleasure, and they may also fill all vacancies which may occur among their number by death, resignation or otherwise, by appointing some suitable person or persons to fill such vacancy or vacancies, who shall hold their office for the unexpired terms of the persons whose places had thus become vacant. They shall keep written records of their proceedings, and may establish rules and regulations for their own government, the government of their overseers, agents, and servants, in the examination of paupers and others applying for or entitled to relief, and in the distribution of food, fuel, clothing and other necessities among the poor of the town.

7. They shall have power from time to time to borrow all such sums of money as they may deem necessary to carry out the powers vested in them by this act, not to exceed twelve thousand dollars in any one year, and to give obligations in their corporate name, to be signed by their president and secretary, for the payment of such sum of money, and of any debts incurred by them as such superintendents, and the town of Oswegatchie shall be liable for the payment of such obligations.

8. They shall have the powers superintendents of the poor now have in relation to lunatics within said town, and to provide for their safe-keeping in a proper place in such town, or to send them to a lunatic asylum.

9. They shall have the same powers as overseers of the poor and county superintendents of the poor now have in relation to bastards within said town. And all proceedings to be had in such cases shall be in their corporate name. And all bonds required according to the provisions of the statutes relating to bastards shall be given to them in their corporate name; but nothing in this act contained shall be construed to release or discharge the superintendents of the poor of St. Lawrence

county from their liability to any person or persons residing in the town of Oswegatchie, supporting any bastard child and chargeable to said county of St. Lawrence, in cases in which they have heretofore compromised with the putative father, such support.

§ 4. The said overseer of the poor shall keep an office, to be provided for him by the said superintendents, in the city of Ogdensburg, which shall be open and accessible to those having business therein, at all seasonable hours. He shall devote his time and attention to the discharge of his public duties, and shall, among other things, attend the meetings of the said board of superintendents, and act as the secretary thereof. He shall aid them in the examination into the circumstances and conditions of the poor persons applying for or entitled to relief, as provided in the second subdivision of second section of this act, and shall keep a record of such examinations. He shall keep minutes of the proceedings of the superintendents, and a true account of their receipts and disbursements, together with the names of the persons relieved, the manner of the relief, and the time when it was rendered, and prepare their annual and quarterly reports. He shall carry into effect the orders and directions of the said superintendents in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time.

§ 5. The said superintendents shall annually, on the first day of November in each year, or when the same shall fall on Sunday, then on the day succeeding, cause to be prepared a report containing an exact and accurate account of all moneys received by them, and the sources from whence such moneys were received during the preceding year, an exact and accurate account of their expenditures, and of all debts incurred by them, which were unpaid for the same period of time; and the objects for which such expenditures were applied, and the persons to whom such moneys were paid for the same period of time also, the number of persons provided with outdoor relief and the expenses incurred for such outdoor relief during the year; which said report shall be signed by the said superintendents and overseers, and filed in the office of the town clerk of such town, and publish a synopsis of the same containing the amounts of receipts and the sources

whence obtained, the amount of expenditures and for what purpose, in two newspapers published in said city of Ogdensburg, of opposite politics.

§ 6. The said superintendents shall also on the first day of November, and when the same shall fall on Sunday, then on the succeeding day in each year, furnish the supervisor of the town of Oswegatchie with a written estimate, to be signed by them, of the amount of moneys which in their judgment will be required for the support of the poor of said town outside of the limits of the city of Ogdensburg, and for the support of the poor within the limits of the city of Ogdensburg, which said amounts required shall be separately stated; which said amounts in the aggregate shall not exceed in any one year the sum of three mills upon the dollar upon the last preceeding assessment-roll or rolls of said town, which said estimate shall by the said supervisor be laid before the board of supervisors of the county of St. Lawrence at their next thereafter annual meeting, who shall cause the moneys in such estimate mentioned as required for the support and relief of the poor of the town outside of the limits of the city of Ogdensburg to be levied and collected on the assessment-roll of said town of the taxable property outside of said city limits, and the moneys in such estimate mentioned as required for the support and relief of the poor within the limits of said city to be levied and collected on the assessment-rolls of said town of the taxable property within said city limits, at the same time and in the same manner as the other taxes are levied and collected; and they shall also by their warrant, direct and require the collector to pay the same, when collected, to the said superintendents, who shall apply the same to the relief and support of the poor in the manner herein directed. (*As amended by chapter 458 of the Laws of 1889.*)

§ 7. The said superintendents of the poor shall receive no compensation whatever for any services rendered by them under the provisions of this act; but all reasonable and proper expenses, incurred by them in executing their trusts as such superintendents shall be paid out of any moneys raised for the support of the poor as herein mentioned.

§ 8. It shall not be lawful for the said superintendents of the poor, or either of them, or the said overseer of the poor, to be

concerned or interested, directly or indirectly, in the sale of any goods, merchandise or other personal property found, furnished or provided for the use of the poor of the said town of Oswegatchie; nor shall such superintendents and overseer, or either of them, take or receive any profit, reward or emolument, for or on account of any goods, merchandise or personal property found, furnished or provided by any person or persons other than against such superintendents, for the use of the poor of said town. Any violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment.

§ 9. Any of said superintendents and the overseer of the poor of the town of Oswegatchie shall have the power to administer to and examine under oath, any person or persons applying to them for relief, and to any other person or persons in any matter pertaining to the discharge of their duties under this act, and for that purpose to issue subpoenas requiring the attendance of applicants and witnesses, and false swearing during such examination shall be deemed willful perjury.

§ 10. No person shall be disqualified from acting as judge of justice, witness or juror, by reason of his being a resident, inhabitant or freeholder in said town of Oswegatchie, in any action or proceeding in which the said superintendents of the poor are a party.

§ 11. All disputes between the town of Oswegatchie and any other town in said county as to the settlement of any pauper, or as to which town is liable to support any poor person, shall be decided by the superintendent of the poor of St. Lawrence county as now provided by law.

§ 12. Nothing in this act shall be construed as to require or compel the town of Oswegatchie to support any county pauper or state pauper. Neither shall it be construed as exempting or relieving the town of Oswegatchie from paying its full share of the expense of supporting the county or state poor or from erecting and keeping in repair all county buildings, including the poorhouse, nor from the payment of its share of the salaries of all county officers or employees in the poorhouse of St. Lawrence county.

OLEAN, CATTARAUGUS COUNTY.

(Note.—Overseer appointed by mayor and common council for a term of one year. Salary fixed by common council.)

Chapter 478, Laws of 1893.

TITLE III.

§ 46. Overseer of the poor.—The overseer of the poor shall have the same powers and be liable to the same duties as the overseers of the poor of towns, except as modified by this act. All moneys received by the overseer of the poor from whatever sources shall be paid immediately to the treasurer, who shall place said sums to the credit of the poor fund. He shall pay out no moneys belonging to said city except upon a resolution of the common council. He may from time to time as is necessary and proper issue written orders to indigent persons, which orders shall be in the form prescribed by the common council, and shall be subject to its approval. The overseer of the poor shall render monthly to the common council an itemized statement in writing of his receipts and all orders issued by him, and all expenses incurred by him. The accounts of the overseer of the poor shall be audited by the common council or a committee thereof or their duly authorized agent, or by the mayor or his duly authorized agent or agents. The overseer of the poor shall render to the common council at its last regular meeting next previous to the annual city election a detailed statement showing all receipts, orders issued, and disbursements for the period he has held the office of overseer of the poor, but not exceeding the period of the preceding twelve months. The overseer of the poor shall give a bond to said city as the common council may approve in such amount, but in no case less than five thousand dollars, with sureties to be approved by the common council, conditioned to account for, and for the payment of all moneys received by him as herein provided, and for the faithful discharge of his duties as such overseer of the poor. He shall receive such salary as the common council may fix. The overseer of the poor shall not be directly or indirectly interested in any contract or the purchase or sale of any supplies connected with the administration of his

office. A violation of this provision shall be deemed a misdemeanor. (*As amended by chapter 10 of the Laws of 1901.*)

ONEIDA.

(Note.—Commissioner of charities appointed by the mayor and common council for a term of two years at a salary of \$400.)

Chapter 225, Laws of 1901.

TITLE VIII.

§ 131. Appointment of commissioner.—The present overseer of the poor of the town of Oneida is hereby continued as commissioner of charities of the city of Oneida and shall hold his office as such commissioner of charities until his successor is appointed as in this act provided. A commissioner of charities shall be appointed to serve to February first, nineteen hundred and twenty in the manner provided by section two hundred and fifty-four of this act, and in the month of January in each alternate year thereafter there shall be appointed in the manner provided by this act a commissioner of charities who shall hold office for two years from the first day of February of the year of his appointment. (*As amended by chapter 273 of the Laws of 1904.*)

§ 132. Powers and duties of the commissioner of charities.—Except as provided by this act the commissioner of charities of the city of Oneida shall, within the city of Oneida, have and exercise the same powers and discharge the same duties, to the exclusion of any other officer, as overseer of the poor in town. The commissioner of charities in the city of Oneida, shall, by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards, and shall have all such other powers as are conferred on overseers of the poor in the respective towns of the state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and exam

into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief, or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise ordered or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath, any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor, the city of Oneida shall be deemed one of the towns of Madison county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city.

§ 133. Monthly report of commissioner.—The commissioner of charities at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all appropriations, expenditures, temporary relief, medical attendance and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals or lodgings, from whom obtained, or whom furnished, and the cost of same. Said report shall be filed with the city clerk.

§ 134. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or meals, provisions or supplies, furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified by the persons entitled to the payment thereof and presented to the common council at the first regular meeting of the said council in each month, for all claims and demands incurred, or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city

by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 135. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have any interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished or on any orders given by him for any such goods, articles or relief. For any violation of any provision of this section, said commissioner shall be removed from office by the common council and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

OSWEGO, OSWEGO COUNTY.

(Note.—Commissioners of charity appointed by the mayor for a term of four years. No compensation.)

Chapter 394, Laws of 1895.

TITLE IX.

DEPARTMENT OF CHARITY.

§ 214. There shall be four commissioners of charity of said city, who shall be appointed by the mayor and shall constitute the department of charity, which department shall be bipartisan and composed of two commissioners of charity from each of the two political parties of the state which at the last general election cast the highest and the next highest number of votes. The commissioners of public charity in office at the time of the passage of this act shall continue in office as commissioners of charity until the expiration of their respective terms and until their successors are appointed and qualified.

§ 215. In April, eighteen hundred and ninety-six, the mayor shall appoint two commissioners of charity to fill the vacancies then existing, one for the term ending December thirty-first, eighteen hundred and ninety-eight, and the other for the term ending December thirty-first, eighteen hundred and ninety-nine; in April, eighteen hundred and ninety-eight, the mayor shall appoint two commissioners of charity to fill the vacancies then

existing, one for the term ending December thirty-first, nineteen hundred, and the other for the term ending December thirty-first, nineteen hundred and one. Thereafter one commissioner of charity shall be appointed by the mayor in January of each year for the term of four years from the first day of January in the year of his appointment.

§ 216. A vacancy in the office of commissioner of charity shall be filled by appointment by the mayor for the unexpired term. Every commissioner of charity shall be from the same political party as the commissioner whom he succeeds and shall serve without compensation.

§ 217. In January of each year the said commissioners shall select from their number one who shall be president of the department.

§ 218. The said department shall have sole and exclusive control of all measures pertaining to the support or relief of the poor of said city. They shall determine the amounts to be raised in each year by tax for poor purposes, and may prescribe to what extent, in what manner and to whom support or relief shall be furnished, and may control the purchase and procuring of all supplies of provisions, fuel or other articles for the use of the poor, and may regulate and control the employment of physicians and medical aid for the poor.

§ 219. The department shall hold two regular meetings each month. They may employ one competent person at a reasonable salary not to exceed one thousand dollars per annum, to transact the business of the department and who may be retained or dismissed at the pleasure of the department, and who shall be designated as the clerk of the department. The said department shall also be allowed to expend not to exceed two hundred dollars per year in extra clerk hire, when necessary. (*As amended by chapter 263 of the Laws of 1897.*)

§ 221. On or before the first day of May in each year, the department shall render an estimate to the common council of the amount required to be raised for the ensuing year for the relief or support of the poor and the incidental expenses of the department, and the common council shall thereupon insert the amount so estimated in the general city assessment for the

current year as the amount to be raised for the poor fund during such year, provided such estimate does not exceed the amount actually expended by the city for the support and relief of the poor during the next year previous.

§ 222. The department of charity shall pay all claims and demands duly audited by it only by warrants drawn on the city chamberlain against the funds in his hands, subject to the draft of such department, signed by its president and countersigned by its clerk, and every warrant so drawn shall be made payable to the order of the person entitled to receive the money thereon.

§ 223. The clerk of the department of charity shall keep regular and full books of account of all its transactions and proceedings and an accurate record of the fund subject to its warrants, showing at all times the amount of warrants drawn against such fund and the balance of said fund unexpended. The books and accounts of the department shall be open to the inspection of any elector of the city at all reasonable hours.

§ 224. The said department of charity shall possess all the powers conferred by law upon the overseers of the poor of the several towns of this state, and be subject to the same duties, liabilities and obligations.

§ 225. The department of charity shall maintain the city almshouse now erected on lands in the town of Oswego, and may appoint a keeper of the city almshouse and may employ such other persons for the government and management of said almshouse and lands as shall be necessary and may regulate the powers and duties. It shall have exclusive control of the said lands, and of the buildings erected thereon, and the same shall not be levied on or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the common council of said city shall upon the recommendation of said department of charity, sell any part of the lands hereinbefore mentioned upon such terms as the said department shall deem reasonable, and the moneys received therefor shall be paid to the city chamberlain, to the credit of said department.

§ 226. The department of charity may send to and maintain in such almshouse, all persons in the city of Oswego requiring aid from the poor fund of the city, and may also cause such labor

in manufactures or otherwise, to be performed by the tenants of said almshouse as they shall prescribe, and may provide the materials, implements and machinery therefor at the expense of said department. They may also erect in the said almshouse proper rooms for the confinement and care of idiots and other persons confined therein, and may provide for their care, and may contract with the county of Oswego, or with any town in said county, and with other persons and authorities, for the support, care and medical and surgical attendance of any paupers, idiots, sick, diseased or maimed persons.

§ 227. The department of charity may authorize their clerk to commence and carry on and defend in their name all proceedings authorized by the laws of this state to be commenced and carried on and defended by the overseers of the poor of towns, and to serve in their name and to accept service of all notices that may be served by or upon such overseers of the poor.

§ 228. It shall be the duty of the department of charity and of the clerk thereof to deposit forthwith with the city chamberlain any and all moneys received by it or him from any source whatever belonging to the city or to said department, and the city chamberlain shall credit the same to the poor fund.

§ 229. Whenever any emergency requires the department of charity to expend for the support and maintenance of the poor more than the amount of its estimate for the year, it shall certify the fact to the common council with its estimate of the additional amount required to defray its probable expenses for the balance of the fiscal year, and the common council shall thereupon order the mayor to issue his notes for the additional amount so required and the proceeds of said notes shall be credited by the city chamberlain to the department of charity to be used only to defray its current expenses. The unexpended balance of the contingent fund at the end of the fiscal year shall be applied in payment of said notes so issued for the benefit of the department of charity, and the balance of said notes remaining unpaid after the application of such part of the contingent fund as aforesaid shall be added to the tax levy of the ensuing year.

PLATTSBURGH, CLINTON COUNTY.

(Note.—Commissioner of charities appointed by the mayor and the common council for a term of two years at a salary of \$600.)

Chapter 269, Laws of 1902.

TITLE X.

DEPARTMENT OF CHARITIES.

Section 119. Appointment of commissioner.

120. Powers and duties of commissioner of charities.
121. Monthly report of commissioner.
122. Common council to audit accounts.
123. Commissioner not to be interested in purchases.

§ 119. Appointment of commissioner.—The board of alms of the town of Plattsburgh, and the overseer of the poor appointed by it, are hereby continued and the said overseer is hereby continued as commissioner of charities of the city of Plattsburgh and shall hold office as such commissioner of charities until his term of office as such overseer has expired and his successor is appointed as in this act provided. Upon the expiration of the term of office of such overseer the mayor shall, subject to the approval of the common council, appoint a suitable person to be commissioner of charities upon the appointment, as in this act provided, of an overseer of the poor of the town of Plattsburgh, the duties of said board of alms and its appointees shall cease, and chapter two hundred and fifty of the laws of eighteen hundred and seventy-eight and all amendments of the same shall thereupon be repealed and the said board of alms and its appointees shall immediately turn over all moneys, property and effects in its hands to the chamberlain of the city and the supervisor of the town, in such proportion as may be required by the board of town auditors of the town of Plattsburgh.

§ 120. Powers and duties of the commissioner of charities.—Except as provided by this act, the commissioner of charities of the city of Plattsburgh shall, within the city of Plattsburgh, have and exercise the same powers and discharge the same duties, to the exclusion of any other person or persons, as overseers of

the poor in towns. The commissioner of charities of the city of Plattsburgh shall also, by virtue of his office, possess all the powers and authority of overseers of the poor of the several towns of the state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the support of bastards and proceedings to charge the fathers and mothers of such bastards and shall have such other powers as are conferred upon overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. It shall be the duty of the commissioner to visit the poor of said city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief or medical attendance. No physician other than the city physician shall be employed by the commissioner of charities to attend the poor of said city, unless otherwise authorized or directed by the common council. The commissioner of charities shall have power to administer oaths to, and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relative to the maintenance and support of the poor, the city of Plattsburgh shall be deemed one of the towns of Clinton county. The commissioner shall issue written orders for all meals, provisions and supplies furnished to the poor of said city. No claim for expenditures on account of the poor of said city shall be audited or paid, unless such expenditures shall have been made pursuant to a written order of such commissioner.

§ 121. Monthly report of commissioner.—The commissioner of charities, at the first regular meeting of the common council in each month, shall under oath report in detail to the common council all appropriations, expenditures, temporary relief, medical attendance, and allowance made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quantity and price per pound, or otherwise as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals and lodgings have been furnished, the

number of said meals and lodgings, from whom obtained, whom furnished, and the cost of the same. Said report shall filed with the city clerk.

§ 122. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done meals, provisions or supplies furnished under the direction the commissioner of charities of said city under the provision of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 123. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, food, medicines or property belonging to himself, or in which he shall have interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods or articles of relief furnished. For any violation of the provisions of this section said commissioner shall be removed from office by the mayor and he shall forfeit to said city a penalty of one hundred dollars for each violation.

POUGHKEEPSIE, DUTCHESS COUNTY.

(Note.—Commissioners of charities appointed by the mayor for a term of three years. President of board receives a salary \$100.)

Chapter 425, Laws of 1896.

TITLE X.

OF THE SUPPORT OF THE POOR.

§ 170. The city of Poughkeepsie shall not hereafter be subjected to taxation for the support and maintenance of the poor and the relief of indigent persons of or in the towns of the county.

of Dutchess, nor shall the towns of the county of Dutchess be taxed or required to contribute for the support of the poor and the relief of indigent persons of or in the city; but such city for all the purposes of supporting the poor within its limits, and carrying into effect the laws of the state for the support and relief of indigent persons, shall be a separate and distinct district, except as hereinafter provided.

§ 171. The board of charities of the city of Poughkeepsie shall consist of six members who shall be styled commissioners of charities. Upon the expiration of the terms of office of the present commissioners of charities, and annually thereafter, the mayor shall appoint two commissioners of charities to serve three years. The almshouse of said city shall hereafter be known and designated as the city home. (*As amended by chapter 204 of the Laws of 1901.*)

§ 172. The commissioners of charities shall meet at the board rooms on the first day of January, in each year, unless it be Sunday, and then on the next day, and organize a board by the name of "the commissioners of charities of the city of Poughkeepsie," which shall possess the usual powers of a corporation for public purposes, for the year, by electing one of their number president. If a president of the board shall not be elected on or before the fifth day of January, in any year, the mayor shall forthwith designate one of the commissioners as, and he shall be, the president for the year. After the thirty-first day of December, nineteen hundred and one, the president of said board shall receive an annual salary of one hundred dollars. (*As amended by chapter 204 of the Laws of 1901.*)

§ 173. The said board shall have the sole and exclusive care and management of the poor in said city and shall provide for and maintain the same in the manner hereinafter mentioned; and for that purpose it shall have and exercise all the powers and authority now vested by the poor law in the overseers of the poor of towns, and in the superintendents of the poor of counties, not inconsistent with the provisions of this act. It shall also have and possess the powers following:

1. To appoint, by a resolution to be entered upon its minutes, an officer to be denominated "the superintendent of the poor of the city of Poughkeepsie," who shall also be the keeper of the

city home, and to employ such other agents as may be necessary, in order to carry into effect the purposes of this act; which said superintendent and other agents shall hold their offices during the pleasure of the said board, and receive such fixed annual salary, as a compensation for their services, as the said board may direct.

2. To visit the poor of the said city at their several places of residence, and inquire and examine into their circumstances, and number and ages of the members of their families, the places of their former residence, their employments, for what length of time and to what extent they have been dependent upon the public for support, their ability to labor, and the cause of their poverty; and the board may direct either permanent or temporary relief to such poor persons, irrespective of the cause of such poverty, under such rules and regulations as it may from time to time adopt.

3. To contract for, purchase and provide provisions, fuel, clothing, and other necessities for the support of or the distribution amongst the poor, and such cattle, stock, furniture and farming utensils for the city home and lands as in its judgment it may deem necessary.

4. To cause to be constructed within, or within the vicinity of said city home, a cell or cells or other place or places of confinement, for the temporary imprisonment or detention of vagrants. And the recorder of the city of Poughkeepsie is hereby required by his warrant, to be directed to and executed by one of the police officers of said city, to commit to the custody of the keeper of the said city home, to be confined in such cells or places of confinement, all persons adjudged vagrants according to the provisions of the code of criminal procedure, and liable to be sentenced by him to imprisonment in the county jail therefor; and the keeper of said city home is hereby authorized to require all persons, so committed to his charge, to do and perform such work and labor as he shall direct; and the board and maintenance of every such vagrant at the price per week allowed the sheriff of Dutchess county for the board of prisoners in the county jail, for a term not exceeding sixty days upon any one conviction, shall be a county charge, and shall be audited and paid in the same manner as other county charges.

5. To establish rules and regulations for its own government, the government of its superintendent, and its other agents and servants, in the examination of paupers and others applying for or entitled to relief, or for admission to the city home, and in the distribution of food, fuel, clothing and other necessities among the poor of the city.

6. It shall have the same powers as overseers of the poor have in relation to lunatics within said city, and to provide for their safe-keeping in a proper place in such city, or to send them to a lunatic asylum.

7. It shall have the same powers as overseers of the poor and county superintendents of the poor now have in relation to bastards within said city; and all proceedings to be had in such cases shall be in its corporate name, and all bonds required according to the provisions of the statutes relating to bastards shall be given to it in its corporate name. (*As amended by chapter 659 of the Laws of 1900.*)

§ 174. (*Repealed by chapter 232 of the Laws of 1898.*)

§ 175. (*Repealed by chapter 232 of the Laws of 1898.*)

§ 176. (*Repealed by chapter 232 of the Laws of 1898.*)

§ 177. The said superintendent of the poor shall keep an office, to be provided for him by the said board in the city, which shall be open and accessible to those having business therein, at such hours as said board may designate. He shall devote his time and attention to the discharge of his public duties, and shall attend the meetings of the said board and act as the secretary thereof. He shall aid in the examination into the circumstances and conditions of the poor persons applying for and entitled to relief, and shall keep a record of such examinations. He shall keep the minutes of the proceedings of the board and an account of its receipts and disbursements, together with the names of the persons relieved, the manner of the relief, and the time when it was rendered, and prepare its annual and other reports. He shall carry into effect the orders and directions of the said board in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time.

§ 178. The said board shall, on the thirty-first day of December, make to the common council a report containing an exact and

accurate account of all moneys received by it, and the source from whence such moneys were received, during the preceding year, and an exact and accurate account of all its expenditures and of all debts incurred by it which are unpaid for the same period of time, and the objects for which such debts were incurred, and to which such expenditures were applied and the persons to whom they were paid for the same period of time; also; the number of persons admitted to and discharged from the city home; the number of those provided with outdoor relief; the expenses incurred for keeping and supplying such city home; and the expenses incurred for such outdoor relief during the year. (*As amended by chapter 659 of the Laws of 1900.*)

§ 179. The said board shall, on or before the first day of October in each year, estimate and certify to the common council what amount of money will be required for the support of the poor of said city during the next year, specifying in detail the objects for which the same will be required, and the amount for each object. And the common council shall appropriate an amount not exceeding the amount in such estimate mentioned, from the general city fund to be known as the poor fund. (*As amended by chapter 232 of the Laws of 1898.*)

§ 180. The poor fund shall be under the control of the commissioners of charities, and shall be paid out upon resolutions of said board, certified by its secretary, by check, containing the name of the person to whom paid, for what purpose, and the date of the meeting when the resolution directing the payment of the same was passed by said board, signed by its president and secretary and not otherwise. (*As amended by chapter 659 of the Laws of 1900.*)

§ 181. It shall not be lawful for the said commissioners of charities, or either of them, or the said superintendent of the poor, to be concerned or interested, directly or indirectly, in the sale of any goods, merchandise or other personal property furnished or provided for the use of the poor of the said city of Poughkeepsie; nor shall such commissioners and superintendent, or either of them, take or receive any profit, reward or emolument for or on account of any goods, merchandise or personal property fund, furnished or provided, by any person or persons other than such commissioners, for the use of the poor.

of said city. Every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine or imprisonment. (*As amended by chapter 659 of the Laws of 1900.*)

§ 182. No person shall be disqualified from acting as judge, recorder, witness or juror, by reason of his being a resident, inhabitant or freeholder in said city of Poughkeepsie in any action or proceeding in which the said board is a party. The inhabitants of the city of Poughkeepsie shall not, after the passage of this act, be entitled to vote for superintendent of the poor of Dutchess county at any election for such officer.

§ 183. For all the purposes of the settlement of the poor, according to the provisions of the poor law, the city of Poughkeepsie shall be deemed a town in the county of Dutchess. (*As amended by chapter 659 of the Laws of 1900.*)

RENSSELAER, RENSSELAER COUNTY.

(Note.—Commissioners of charities appointed by the common council for a term of two years at a salary of \$200.)

Chapter 359, Laws of 1897.

DEPARTMENT OF CHARITIES.

Section 140. Powers and duties of the commissioners of charities.

141. Monthly report of commissioners.

142. Common council to audit accounts.

143. Commissioners not to be interested in purchases.

§ 140. Powers and duties of the commissioners of charities.—Except as otherwise provided by this act, the commissioners of charities of the city of Rensselaer shall have and exercise within their district in the city of Rensselaer the same powers and discharge the same duties, to the exclusion of any other officer, as overseers of the poor in towns. The commissioners of charities of the city of Rensselaer shall, by virtue of their office in their respective districts also possess all the powers and authority of overseers of the poor of the several towns of this state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the binding out and contract for the service of disorderly persons, the sup-

port of bastards and proceedings to charge the fathers mothers of such bastards and all such other powers as are ferred on overseers of the poor in the respective towns of state, and shall be subject to the same duties, obligations liabilities. Each of the commissioners of charities shall receive an annual salary of two hundred dollars, and he shall keep office in some central and convenient part of his district in city, to be approved by the common council. It shall be the duty of each commissioner to visit the poor of his district at several places of abode and examine into their circumstances and ascertain to what extent they are or may be in need entitled to permanent or temporary relief. The said commissioner shall require all persons making application for relief to make such application in writing, which shall be preserved by the said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. The commissioners of charities shall have power to administer oaths to, and examine under oath any person applying to them for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relation to the maintenance and support of the poor, each poor district herein created of the city of Rensselaer shall be deemed one of the towns of Rensselaer county. The commissioners shall issue written orders for all means, provisions and supplies furnished to the poor of said city. They shall not employ any physician other than the city physician appointed by the common council.

§ 141. Monthly report of commissioners.—Each of said commissioners shall, at the first regular meeting of the common council in each month, report to the common council under oath in detail, all appropriations, expenditures, temporary relief allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound or otherwise, as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals and lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk

§ 142. Common council to audit accounts.—All charges and accounts against said city for services rendered, acts done or means, provisions or supplies furnished under the direction of the commissioners of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred or which may have accrued during the preceding month. All such claims, accounts and charges shall, if approved, be audited by the common council and paid from the poor fund of said city by the treasurer upon the warrant of the mayor, countersigned by the clerk.

§ 143. Commissioners not to be interested in purchases.—The commissioners of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an interest or be interested, nor shall he receive any commission upon or for any goods or articles or relief furnished, or on any orders given by him for any such goods, articles or relief. For any violation of any provisions of this section, said commissioner shall be removed from office by the common council and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

ROCHESTER, MONROE COUNTY.

(Note.—Commissioner of charities appointed by the mayor for a term of two years. Salary fixed by board of estimate and apportionment.)

Chapter 473, Laws of 1906.

ARTICLE. X.

DEPARTMENT OF CHARITIES.

Section 170. Commissioner; deputy; overseer of poor.

171. Powers and duties of commissioner.

172. Powers and duties of overseer.

173. City owner of supplies.

Section 170. Commissioner; deputy; overseer of poor.—The commissioner of charities may appoint, to hold office during his

pleasure, a deputy, overseer of the poor, and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the commissioner or of a vacancy in the office, the deputy shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner, deputy and overseer of the poor, before entering upon the discharge of the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 171. Powers and duties of commissioner.—The commissioner of charities shall have the general care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, orphan asylums and all other similar institutions, the control or government of which belongs or is entrusted to the city. He shall make regulations for the expenditure of the moneys appropriated for the support or relief of the poor and for the general supervision of such expenditures. He shall investigate fully the circumstances of all persons alleged to be destitute or without proper means of support, or without proper guardianship, or who are in danger of becoming or are a public burden in any respect; and also the circumstances of the relatives or other persons whose duty it is to relieve or maintain them or contribute to their support; also to institute and prosecute any and all actions and proceedings authorized by law to compel any and all persons liable for the care, maintenance, education or support of any such destitute or dependent persons to contribute thereto, and to indemnify the city and public against any expenditures on account thereof. He shall also prosecute any and all bonds, undertakings or recognizances given for any of the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such persons shall be deposited by the commissioner with the city treasurer as a trust fund, and the same shall be applied and expended by the said commissioner for the purpose on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be

treated as an unexpended balance of money appropriated for such department. The commissioner shall furnish to and file with the comptroller a monthly statement in detail of all receipts and expenditures, including the aid and relief granted by him, with the names and addresses of all recipients.

§ 172. Powers and duties of overseer.—The overseer of the poor, subject to the regulations and supervision of the commissioner, shall possess all the power and authority of overseers of the poor in the several towns of the county in which the city is situated, and be subject to the same duties, obligations and liabilities. The overseer and his assistants shall have the power to examine under oath any person applying for relief.

§ 173. City owner of supplies.—The city shall continue to be the owner of supplies furnished to any poor person or applicant for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 174. Liability of city.—Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

ROME, ONEIDA COUNTY.

(Note.—Commissioners of charity appointed by mayor for a term of four years. Salary fixed by the common council.)

Chapter 650, Laws of 1904.

TITLE X.

THE BOARD OF CHARITY.

§ 133. The commissioners of charity appointed as herein provided, shall constitute the board of charity for the city.

§ 134. The board of charity shall have all the powers and perform all the duties within said city which are now possessed and performed by overseers of the poor in any town in the county of Oneida, except as otherwise provided by this act. The expenses of the poor, including the salary of the superintendent as de

terminated by the common council shall be levied by the board of supervisors upon the city as heretofore upon the town of Rome. (*As amended by chapter 651 of the Laws of 1906.*)

§ 135. The said board shall choose some competent person for superintendent of charities, whose duty shall be to administer the charities of the city under its direction. The said board shall recommend to the common council the salary to be paid to such superintendent and the common council shall determine the salary to be paid to the superintendent before his appointment, and when the salary is once fixed it shall not be changed except by the common council upon the recommendation of the board of charity. The superintendent of charities shall hold office during the pleasure of the board of charity.

§ 136. As provided by section one hundred and forty-eight of this act the board of charity shall submit in writing to the common council the estimated expenses of the board for the ensuing year in its work, and the common council shall have power to ratify or modify such estimate and shall set apart as the poor fund the sum thus fixed for the year. The said fund shall be held by the city treasurer as the poor fund and shall be used for no other purpose than for the expenses of said board. The said board shall not expend any sum in addition to the amount authorized by the common council. In case in any year, however, additional funds are required by the board of charity, it shall submit to the common council an estimate of the amount needed and specifying the reasons why the same is required; and if the common council authorize additional funds, the same shall be set apart in the hands of the treasurer to the credit of the poor fund, and the common council is hereby authorized to borrow on the credit of the city such sum as they may deem advisable for said board and to add the same to the next tax levy.

§ 137. The superintendent shall be the executive officer of the board of charity, and shall carry into effect all directions of said board evidenced by a resolution entered upon the minutes thereof. He shall have only such powers as are conferred upon him by resolution entered upon the minutes of the board.

§ 138. All payments from the poor fund shall be paid by warrants drawn upon the city treasurer, signed by the president of said board, the city clerk and the superintendent of charities,

stating in every instance the name of the person to whom payable, the amount thereof and what the payment is for, with a reference to the resolution authorizing the same, giving the date thereof. (*As amended by chapter 651 of the Laws of 1906.*)

§ 139. Nothing in this act contained as to the qualification of city officers shall be construed to prevent the appointment of women as commissioners of charity, and the mayor is hereby empowered to appoint not more than two women of full age, who are residents of the city of Rome, as commissioners of charity.

§ 140. The said board shall have power to appoint a competent physician, or physicians, whose duties shall be under the direction of the board of charity, to give medical attendance to the poor of the city, and to perform such duties as the board of charity may prescribe. The said board shall recommend to the common council the salary to be paid to such city physician, or physicians, and upon the determination of the salary the said board shall be authorized to select a city physician or physicians who shall hold office during the pleasure of the board. The health officer shall not be eligible for the office of city physician.

SCHENECTADY, SCHENECTADY COUNTY.

(Note.—Overseer appointed by the common council for a term of two years. Salary fixed by board of estimate and apportionment. But see chapter 473 of the Laws of 1906, page 407, which goes into effect January 1, 1908, and will then apply to Schenectady also.)

Chapter 371, Laws of 1903.

TITLE XI.

THE POOR AND THEIR SUPPORT.

Section 340. Powers and duties of overseers of the poor.

341. Support of poor.

342. Board of magistrates; relief of poor.

343. Expenses for the relief of poor to be defrayed from liquor tax moneys.

344. City owner of supplies.

§ 340. Powers and duties of overseer of the poor.—The overseer of the poor, appointed under this act, shall possess all the

powers and perform all the duties, and be subject to all the provisions of law, conferred or imposed upon, or applicable to, overseers of the poor in the several towns of this state, except in relation to applications for relief by, or the granting of relief and support, whether permanent or temporary, to indigent persons, and except as may be otherwise inconsistent with the provisions of this act.

§ 341. Support of poor.—Indigent persons, and such others as shall be entitled to relief under the laws of this state, who are or shall become chargeable, or likely to become chargeable, to said city, being in said city, shall continue to be supported and relieved in the manner provided by law, in respect to the county of Schenectady, except as herein otherwise provided.

§ 342. Board of magistrates; relief of poor.—The board of magistrates shall consist of the police justice, and two aldermen, to be selected by the common council. The police justice shall be the chairman of such board. The board shall have all the powers and perform all the duties of overseers of the poor of the several towns of this state in relation to applications of poor persons for relief or support, and in granting or withholding the same, subject to the direction and control of the common council. It shall be the duty of the police justice, as chairman of the board, to take the examination of all persons applying for relief, and he shall carry out the decision of the board of magistrates in respect thereto. And in the absence of the other members of the board such police justice shall have the power to decide upon such applications, make such orders and grant such relief as the circumstances of each case shall warrant and require. The common council may, by ordinance, impose other duties upon such board of magistrates, relative to the poor of said city and the mode and extent of granting relief, and the terms and conditions thereof. Any order issued for the relief of a poor person, any part of which is paid, directly or indirectly, in spirituous or fermented liquors, shall be void and uncollectable.

§ 343. Expenses for the relief of the poor to be defrayed from liquor tax moneys.—So much of the moneys received by the city of Schenectady from the issuance of liquor tax certificates therein as may be necessary shall be applied by the board of estimate

and apportionment and the common council to the support and relief of the city poor.

§ 344. City owner of supplies.—The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same shall be consumed. If any person to whom the same are furnished shall sell or exchange them for money or intoxicating liquor, or in any way dispose thereof, other than in the manner directed, he shall be guilty of a misdemeanor.

SYRACUSE, ONONDAGA COUNTY. •

(Note.—Commissioner of charities and correction appointed by the mayor for a term of two years. Salary fixed by board of estimate and apportionment.)

Chapter 473, Laws of 1906.

ARTICLE X.

DEPARTMENT OF CHARITIES.

Section 170. Commissioner; deputy; overseer of poor.

171. Powers and duties of commissioner.

172. Powers and duties of overseer.

173. City owner of supplies.

Section 170. Commissioner; deputy; overseer of poor.—The commissioner of charities may appoint, to hold office during his pleasure, a deputy, overseer of the poor, and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the commissioner or of a vacancy in the office, the deputy shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner, deputy and overseer of the poor, before entering upon the discharge of the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§171. Powers and duties of commissioner.—The commissioner of charities shall have the general care, management, administration and supervision of the charities, almshouses, hospitals,

houses of correction, orphan asylums and all other similar institutions, the control or government of which belongs or is intrusted to the city. He shall make regulations for the expenditure of the moneys appropriated for the support or relief of the poor and for the general supervision of such expenditures. He shall investigate fully the circumstances of all persons alleged to be destitute or without proper means of support, or without proper guardianship, or who are in danger of becoming or are a public burden in any respect; and also the circumstances of their relatives or other persons whose duty it is to relieve or maintain them or contribute to their support; also to institute and prosecute any and all actions and proceedings authorized by law to compel any and all persons liable for the care, maintenance, education or support of any such destitute or dependent persons to contribute thereto, and to indemnify the city and public against any expenditures on account thereof. He shall also prosecute any and all bonds, undertakings or recognizances given for any of the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such persons shall be deposited by the commissioner with the city treasurer as a trust fund, and the same shall be applied and expended by the said commissioner for the purpose on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be treated as an unexpended balance of money appropriated for such department. The commissioner shall furnish to and file with the comptroller a monthly statement in detail of all receipts and expenditures, including the aid and relief granted by him with the names and addresses of all recipients.

§ 172. Powers and duties of overseer.—The overseer of the poor, subject to the regulations and supervision of the commissioner, shall possess all the power and authority of overseers of the poor in the several towns of the county in which the city is situated, and be subject to the same duties, obligations and liabilities. The overseer and his assistants shall have the power to examine under oath any person applying for relief.

§ 173. City owner of supplies.—The city shall continue to be the owner of supplies furnished to any poor person or applicant

for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 174. Liability of city.—Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

TONAWANDA, ERIE COUNTY.

(Note.—Commissioner of charities appointed by the mayor for a term of two years at a salary of \$500.)

Chapter 357, Laws of 1905.

TITLE XII.

COMMISSIONER OF PUBLIC CHARITIES.

Section 1. Qualifications.

2. Powers and duties.
3. Monthly reports.
4. Accounts to be audited.
5. No profit from supplies.

Section 1. Qualifications.—No member of the common council shall be a commissioner of public charities. Neither shall any person be appointed to the office, who, at the time of such appointment, shall be engaged or interested in business as a grocer, a saloon keeper, or hotel keeper, or in any wise concerned in the manufacture or sale of spirituous or malt liquors, ale or beer, and in case any person appointed to the office, shall, during his term, become engaged or interested in either of the occupations above specified, his term of office shall thereupon cease, and the office become vacant, and the mayor shall forthwith appoint another in his place.

§ 2. Duties and powers.—The commissioner of public charities is hereby invested with all the powers and duties now or hereafter to be prescribed and provided by the general statutes of the state of New York, relating to overseers of the poor in towns, so far as the same is applicable and not inconsistent with this act. It shall be the duty of the commissioner to visit the poor

of the city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. The said commissioners shall require all persons making application for relief to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. The commissioner of charities shall have power to administer oaths to and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. The commissioner shall issue written orders for all means, provisions, and supplies furnished to the poor of the city. He shall not employ any physician. The city shall continue to be the owner of all articles or supplies furnished to any poor person or applicant until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money, or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 3. Monthly reports.—The commissioner shall, at the first regular meeting of the common council in each month, report to the common council under oath in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise, as the case may be, of each article ordered or furnished, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals or lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said reports shall be filed with the city clerk.

§ 4. Accounts to be audited.—All charges and accounts against said city for services rendered, acts done, or means, provisions, medicines or supplies furnished under the direction of the commissioner of charities of said city under the provisions of this act, or otherwise, shall be audited by the common council, and paid from the poor fund of said city.

§ 5. No profit from supplies.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines, or property belonging to himself, or in which he shall have an interest or be interested, nor shall he be interested in any contract for such purchase of groceries, provisions, medicines, fuel or property; nor shall he receive any commissions upon or for any goods or articles of relief furnished, or on any orders given by him for any such goods, articles or relief. For any violations of any provisions of this section said commissioner shall be removed from office by the mayor, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

TROY, RENSSELAER COUNTY.

(Note.—Commissioner of charities and correction appointed by the mayor for a term of two years. Salary fixed by board of estimate and apportionment.)

Chapter 473, Laws of 1906.

ARTICLE X.

DEPARTMENT OF CHARITIES.

Section 170. Commissioner; deputy; overseer of poor.

171. Powers and duties of commissioner.

172. Powers and duties of overseer.

173. City owner of supplies.

Section 170. Commissioner; deputy; overseer of poor.—The commissioner of charities may appoint, to hold office during his pleasure, a deputy, overseer of the poor, and such other subordinates as may be prescribed by the board of estimate and apportionment. In case of the absence or disability of the commissioner or of a vacancy in the office, the deputy shall discharge the duties of the office until the commissioner returns, his disability ceases or the vacancy is filled. The commissioner, deputy and overseer of the poor, before entering upon the discharge of the duties of their respective offices, shall each execute and file with the city clerk an official undertaking in such penal sum as may be prescribed by the common council.

§ 171. Powers and duties of commissioner.—The commissioner of charities shall have the general care, management, administration and supervision of the charities, almshouses, hospitals, houses of correction, orphan asylums and all other similar institutions, the control or government of which belongs or is entrusted to the city. He shall make regulations for the expenditure of the moneys appropriated for the support or relief of the poor and for the general supervision of such expenditures. He shall investigate fully the circumstances of all persons alleged to be destitute or without proper means of support, or without proper guardianship, or who are in danger of becoming or of being a public burden in any respect; and also the circumstances of all relatives or other persons whose duty it is to relieve or maintain them or contribute to their support; also to institute and prosecute any and all actions and proceedings authorized by law to compel any and all persons liable for the care, maintenance, education or support of any such destitute or dependent persons to contribute thereto, and to indemnify the city and public against any expenditures on account thereof. He shall also prosecute any and all bonds, undertakings or recognizances given for the purposes herein mentioned or in any manner relating thereto. Any and all moneys recovered in any such suit, action or proceeding or otherwise paid to or received by the said commissioner on account of the care, maintenance, relief, education or support of any such persons shall be deposited by the commissioner with the city treasurer as a trust fund, and the same shall be applied and expended by the said commissioner for the purposes on account of which the same were paid. Any surplus remaining in said fund at the close of the fiscal year shall be treated as an unexpended balance of money appropriated to such department. The commissioner shall furnish to and communicate with the comptroller a monthly statement in detail of all receipts and expenditures, including the aid and relief granted by him, with the names and addresses of all recipients.

§ 172. Powers and duties of overseer.—The overseer of the poor, subject to the regulations and supervision of the commissioner, shall possess all the power and authority of overseer of the poor in the several towns of the county in which the city is situated, and be subject to the same duties, obligations and

bilities. The overseer and his assistants shall have the power to examine under oath any person applying for relief.

§ 173. City owner of supplies.—The city shall continue to be the owner of supplies furnished to any poor person or applicant for relief until the same are consumed. If any person to whom the same shall be furnished shall sell or exchange the same for money or intoxicating liquors or in any way dispose of the same other than in the manner directed, such conduct shall be deemed a misdemeanor.

§ 174. Liability of city.—Nothing contained in this act shall be deemed to make the city liable for the support or relief of any poor person when it is not otherwise so liable.

UTICA, ONEIDA COUNTY.

(Note.—One commissioner of charities elected and one appointed annually by board of town auditors. Term three years. No compensation. But see chapter 473 of the Laws of 1906, page 417, which goes into effect January 1, 1908, and will then apply to Utica also.)

Chapter 30, Laws of 1873.

AN ACT to create a board of charities in and for the city of Utica.

Section 1. At the next annual charter election to be held in the city of Utica, there shall be elected and appointed six commissioners of charities for the said city, those to be elected shall be elected in the same manner as justices of the peace are elected therein. No elector shall vote for more than three of such commissioners, and the three receiving the greatest number of votes each shall be duly elected as such officers, and the three having the next highest No.* of votes shall be appointed by the board of town auditors of said city on the Tuesday succeeding such election. All votes given for said commissioners in violation of this provision shall be void and shall not be canvassed in the result of such election.

§ 2. Within ten days after their election and appointment, the persons so elected and appointed shall take and subscribe the

* So in original.

oath of office prescribed by the constitution, and file the same with the clerk of said city, and they or a majority of them shall thereupon meet at said clerk's office upon notice, and shall cause the whole number of commissioners so chosen to be divided into three classes, to be severally numbered first, second and third. The term of office of the first class shall expire at the end of one year, of the second class at the end of two years, and of the third class at the end of three years; but each class shall continue in office until their successors are duly elected or appointed, and have taken the oath of office.

§ 3. At every election for officers of the city thereafter the same shall in like manner be one commissioner of charities elected and one appointed to supply the places of those whose terms of office are about to expire. No elector shall vote for more than one commissioner at such election, except as hereinafter provided, and the one receiving the greatest number of votes shall be elected and the one receiving the next highest number of votes shall at such election shall be appointed commissioner by the board of town auditors of said city on the first Tuesday in November succeeding such election, and such persons shall hold their offices respectively for the term of three years and until their successors are elected or appointed and have taken and filed their oath of office. The term of office of all commissioners elected or appointed pursuant to the provisions of this act shall commence on the first day of January succeeding their election or appointment, except as hereinafter provided. The terms of the two commissioners of charities whose terms would expire on the second Tuesday of March, eighteen hundred and ninety-three, under the law as heretofore existing are hereby extended to January eighteen hundred and ninety-four. Their successors shall be voted for at the annual election for officers of the city, to be held on the seventh day of November, eighteen hundred and ninety-three, and shall take office on the first day of January, eighteen hundred and ninety-four, and hold the same for the term of three years. The successors to the two commissioners of charities whose terms would expire on the second Tuesday of March, eighteen hundred and ninety-four, under the law as heretofore existing shall be voted for at the said election for officers of the city to be held on said seventh day of November, eighteen hundred

ninety-three, and shall take office on the second Tuesday in March, eighteen hundred and ninety-four, and shall hold the same until the first day of January, eighteen hundred and ninety-seven. The successors to the two commissioners of charities whose terms would expire on the second Tuesday of March, eighteen hundred and ninety-five, under the law as heretofore existing, shall be voted for at the election for officers of the city, to be held on the Tuesday next succeeding the first Monday of November, eighteen hundred and ninety-four, and shall take office on the said second Tuesday in March, eighteen hundred and ninety-five, and shall hold the same until the first day of January, eighteen hundred and ninety-eight. (*As amended by chapter 12 of the Laws of 1893.*)

§ 4. No person shall be eligible to election or appointment as such commissioner whose name is not upon the last assessment roll of said city preceding their election for an amount of taxable property not less than two thousand dollars, and whenever any such commissioner shall cease to be liable to such assessment, and shall not be assessed therefor, his office shall thereupon become vacant.

§ 5. The board of town auditors of said city shall make appointments of commissioners to fill vacancies which may occur for any cause other than the expiration of the term of office of the persons elected or appointed as aforesaid, and when such appointments are made the person in each instance so appointed shall be selected from the political party and of the same political faith as the commissioner at the time of his election or appointment whose unexpired term he shall be appointed to fill. The commissioners so appointed shall hold their office for the unexpired term of those to supply whose places they were appointed.

§ 6. Resignations may be made to the said board of town auditors, and any commissioner of charities in and for said city, may be removed from office for neglect of duty or official misconduct by said board of auditors, upon a two-thirds affirmative vote of all the members thereof.

§ 7. The commissioners aforesaid shall constitute a board to be styled, "The Board of Charities of the City of Utica," which shall possess all the powers and execute all the duties of overseer of the poor in said city, which are possessed by said officers

in the several towns in this state, and a majority of the board shall constitute a quorum for the transaction of business. At their first meeting, after the first day of January in each year, they shall elect one of their number chairman, and whenever the chairman shall be absent from a meeting of the board they may appoint a chairman pro tempore. They shall also elect a clerk who shall not be a member of the board and who shall hold his office during the pleasure of the board. No member of the said board shall be paid or receive any compensation for his services as such, but the clerk thereof may be paid an annual salary not exceeding eighteen hundred dollars to be fixed by the said board of charities. (*As amended by chapter 12 of the Laws of 1893.*)

§ 8. The clerk of said board shall keep a record of the proceedings thereof, and such records, together with all the books, papers and accounts connected therewith, shall at all times be subject to inspection of the said board of town auditors, or committee thereof.

§ 9. The said board of charities shall have power, and it shall be their duty to appoint such persons as they deem necessary and proper, not exceeding two, to aid in the discharge of the duties of said board, and the special duty of the persons so appointed shall be to personally investigate the character, habits, localities of residence, condition and necessities of all applicants to the board for assistance and relief, the result of which shall be recorded in a book to be kept for such purpose. The compensation for such persons, not exceeding two dollars per day while engaged in the discharge of their duties, shall be fixed by the said board of charities.

§ 10. The said board of charities shall adopt uniform rules and regulations, by and under which such assistance or relief shall be administered; which rules shall be observed by the employes of said board in the discharge of the duties imposed by this act.

§ 11. It shall be the duty of said board of charities to furnish at all times to the board of town auditors of said city, the information in their possession connected with the accounts created by them in pursuance of this act.

§ 12. The expenditures made by the commissioners of charities in pursuance of the authority conferred in this act, shall be audited by the board of town auditors of said city in the same manner, and the same shall be levied, collected and paid the same as other town charges in said city are levied, collected and paid.

§ 13. All moneys received by said commissioners of charities in their official capacity from any source shall, within five days thereafter, be paid to the treasurer of the board of town auditors of said city, and any omission to comply with the requirements of this section shall subject such delinquent person or persons to a penalty of two hundred and fifty dollars, to be sued for and recovered in the name of said board of town auditors.

§ 14. All orders for assistance and relief to destitute applicants who may be entitled thereto and all commitments to the county poor-house or to the state lunatic asylum, and all proceedings in relation to bastardy shall be made, instituted and issued in the name of the board of charities of the city of Utica, by the clerk of said board, but no proceedings shall be instituted or had, and no such order or commitment shall be issued or made, except in pursuance of either general or special rules and regulations of said board, authorizing the same, and any clerk willfully violating this provision shall, upon conviction therefor, be sentenced to confinement in the Albany county penitentiary for a term not less than ninety days nor more than one year, or to pay a penalty of one hundred dollars for each offense, in the discretion of the court. (*As amended by chapter 91 of the Laws of 1878.*)

§ 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 16. The office of overseer of the poor in said city is hereby abolished.

§ 17. This act to take effect on the first Monday of March next, except section sixteen thereof, which shall take effect on the third Tuesday of said month.

WATERTOWN, JEFFERSON COUNTY.

(Note.—Commissioners of charity appointed by mayor and common council for a term of two years. Compensation fixed by common council.)

Chapter 760, Laws of 1897.

TITLE XI.

THE BOARD OF CHARITY.

§ 165. The commissioners of charity appointed as herein provided, shall constitute the board of charity for the city.

§ 166. The board of charity shall have all the powers and perform all the duties within said city which are now possessed and performed by the overseers of the poor of the towns or by supervisors acting as overseers of the poor of the towns in the county of Jefferson, as provided by chapter eight hundred and seventeen of the laws of eighteen hundred and seventy-three, entitled "An act to provide for the support of the poor in the county of Jefferson" and the several acts amendatory thereof, and by the general laws of the state, except as herein otherwise provided.

§ 167. The said board shall choose some competent person for superintendent of charities, whose duty shall be to administer the charities of the city under its direction. The said board shall recommend to the common council the salary to be paid to such superintendent and the common council shall determine the salary to be paid to the superintendent before his appointment, and when the salary is once fixed it shall not be changed except by the common council upon the recommendation of the board of charity. The superintendent of charities shall hold office during the pleasure of the board of charity.

§ 168. As provided by section one hundred and seventy-seven of this act the board of charity shall submit in writing to the common council the estimated expenses of the board for the ensuing year in its work, and the common council shall have power to ratify or modify such estimate and shall set apart as the "poor fund" the sum thus fixed for the year. The said fund shall be held by the city treasurer as the poor fund and shall be used for no other purpose than for the expenses of said board. The said board shall not expend any sum in addition

to the amount authorized by the common council. In case in any year, however, additional funds are required by the board of charity it shall submit to the common council an estimate of the amount needed and specifying the reasons why the same is required; and if the common council authorize additional funds the same shall be set apart in the hands of the treasurer to the credit of the poor fund, and the common council is hereby authorized to borrow on the credit of the city such sum as they may deem advisable for said board and to add the same to the next tax levy.

§ 169. The superintendent shall be the executive officer of the board of charity and shall carry into effect all directions of said board evidenced by a resolution entered upon the minutes thereof. He shall have only such powers as are conferred upon him by resolution entered upon the minutes of the board.

§ 170. All payments from the charity fund shall be made by warrants drawn upon the city treasurer, signed by the president of said board, the city clerk and the superintendent of charities, stating in every instance the name of the person to whom payable, the amount thereof and what the payment is for, with a reference to the resolution authorizing the same, giving the date thereof.

§ 171. Nothing in this act contained as to the qualification of city officers shall be construed to prevent the appointment of women as commissioners of charity, and the mayor is hereby empowered to appoint not more than two women of full age, who are residents of the city of Watertown, as commissioners of charity.

§ 172. The said board shall have power to appoint some competent physician whose duties shall be, under the direction of the board of charity, to give medical attendance to the poor of the city and to perform such duties as the board of charity may prescribe. The said board shall recommend to the common council the salary to be paid to such city physician, and upon the determination of the salary the said board shall be authorized to select a city physician who shall hold office during the pleasure of the board. Nothing in this act shall be construed to prevent the "health officer" of the city from being appointed city physician by the said board.

WATERVLIET, ALBANY COUNTY.

(Note.—Commissioner of charities appointed by mayor common council for a term of two years at a salary of \$500.)

Chapter 905, Laws of 1896.

TITLE X.

THE COMMISSIONER OF CHARITIES.

Section 1. Powers and duties of the commissioner of charities

2. Monthly report of commissioner.
3. Common council shall audit and pay accounts.
4. Commissioner not to be interested in purchases.

Section 1. Powers and duties of the commissioners of charities.—Except as otherwise provided by this act, the commissioner of charities of the city of Watervliet shall have and exercise within the city of Watervliet the same powers and discharge the same duties, to the exclusion of any other officer, as overseers of the poor in towns. The commissioner of charities of the city of Watervliet shall, by virtue of his office, also possess all the powers and authority of overseers of the poor of the several towns of this state in relation to the support and relief of indigent persons, the binding out of children, the care of habitual drunkards, the binding out and contract for the service of disorderly persons, the support of bastards and proceedings to charge fathers and mothers of such bastards, and all such other powers as are conferred on overseers of the poor in the respective towns of this state, and shall be subject to the same duties, obligations and liabilities. The commissioner of charities shall receive an annual salary of five hundred dollars, and he shall keep his office in some central and convenient part of the city, to be approved by the common council. It shall be the duty of the commissioner to visit the poor of the city at their several places of abode and examine into their circumstances, and ascertain to what extent they are or may be in need and entitled to permanent or temporary relief. The said commissioners shall require all persons making application for relief, to make such application in writing, which shall be preserved by said commissioner, and at the end of each month all such applications made during the month shall be filed with the city clerk. The commissioner of charities

shall have power to administer oaths to, and examine under oath any person applying to him for relief, and false swearing during such examination shall be deemed wilful perjury. For all purposes relating to the maintenance and support of the poor, the city of Watervliet shall be deemed one of the towns of Albany county. The commissioner shall issue written orders for all means, provisions and supplies furnished to the poor of said city. He shall not employ any physician other than the city physician appointed by the board of health.

§ 2. Monthly report of commissioner.—Said commissioner shall, at the first regular meeting of the common council in each month, report to the common council under oath, in detail, all appropriations, expenditures, temporary relief and allowances made by him as such commissioner during the month preceding, which report shall specify the name and place of abode of each person relieved, the quality, quantity and price per pound, or otherwise, as the case may be, of each article furnished or ordered, and from whom obtained; said report shall also contain the names and places of abode of all persons to whom meals or lodgings have been furnished, the number of such meals and lodgings, from whom obtained, or by whom furnished, and the cost of the same. Said report shall be filed with the city clerk.

§ 3. Common council shall audit and pay accounts.—All charges and accounts against said city for services rendered, acts done, or means, provisions or supplies furnished under the direction of the commissioners of charities of said city under the provisions of this act, or otherwise, shall be made out in items, duly verified, by the persons entitled to the payment therefor, and presented to the common council at the first regular meeting of said council in each month, for all claims and demands incurred, or which may have accrued during the preceding month. All such claims, accounts and charges shall be audited by the common council and paid from the poor fund of said city by the chamberlain upon the warrant of the mayor, countersigned by the clerk.

§ 4. Commissioner not to be interested in purchases.—The commissioner of charities shall not, directly or indirectly, furnish to any person, any groceries, provisions, fuel, medicines or property belonging to himself, or in which he shall have an in-

terest or be interested, nor shall he be interested in any contract for the purchase of such groceries, provisions, medicines, fuel or property; nor shall he receive any commission upon, or for any goods or articles or relief furnished, or on any orders given by him for any such goods, articles or relief. For any violation of any provisions of this section, said commissioner shall be removed from office by the mayor, and he shall forfeit to said city a penalty of one hundred dollars for every such violation.

YONKERS, WESTCHESTER COUNTY.

(Note.—Commissioner of charities appointed by mayor and common council for a term of four years. Salary fixed by common council at not less than \$1,000 nor more than \$1,500.)

Chapter 635, Laws of 1895.

TITLE X.

OF THE POOR.

Section 1. All laws now in force not inconsistent with the provisions of this act, applicable to overseers of the poor in towns, shall apply to the commissioner of charities, and such commissioner of charities shall have and possess all powers which overseers of the poor of towns now have, or which may hereafter be conferred upon them.

§ 2. The common council may by ordinance prescribe the duties of such commissioner of charities in relation to the temporary aid and assistance to the poor and may appropriate such moneys for such purpose as it shall deem proper and may also appropriate a sum, not exceeding five thousand dollars per annum, for the care of sick and disabled poor in hospitals. (*As amended by chapter 207 of the Laws of 1903.*)

**SPECIAL STATUTES RELATING TO THE CARE OF
THE POOR IN CERTAIN TOWNS OF NEW YORK
STATE.**

TOWN OF HERKIMER, HERKIMER COUNTY.

AN ACT to secure the better application of funds for the relief of the poor in the town of Herkimer in the county of Herkimer.

Chapter 181, Laws of 1883.

Section 1. The supervisor of the town of Herkimer shall, on the first Monday in May next, appoint four freeholders of said town, two of whom shall belong to each of the two political parties casting the largest vote at the last general election in said town, who shall constitute a board of alms of said town, and be known as the "board of alms of the town of Herkimer." The board of alms so appointed shall meet on the second Monday in May in each year at the town room, and by a majority vote appoint a freeholder of said town, to be known as the overseer of the poor of said town, and who shall hold his office for one year. The town clerk shall attend all meetings and keep the minutes of their proceedings, which shall be recorded in the books of record of said town. (*As amended by chapter 414 of the Laws of 1895.*)

§ 2. At the time of their appointment the said supervisor shall designate one of the persons so appointed by him to hold, and who shall hold his office for one year; another to hold and who shall hold his office for two years; another to hold and who shall hold his office for three years; another to hold and who shall hold his office for four years. The supervisor shall thereafter annually on the first Monday in May at the town room appoint one member of the said board of alms who shall be a freeholder of said town and shall hold his office for four years and until his successor shall be appointed. Vacancies in the office shall be filled for the unexpired term, and shall be from the same political party as the outgoing members. (*As amended by chapter 414 of the Laws of 1895.*)

§ 3. The said board of alms shall have control of the funds applicable to the relief of the poor in said town, and the composition of the same. A majority of said board shall constitute a quorum to do business. Said board of alms shall have power to procure, by rent or purchase, suitable grounds and buildings for a town almshouse, but no purchase shall be made unless specially authorized by a vote of the electors of the town at an annual town meeting, nor at a cost exceeding five thousand dollars.

§ 4. The overseer of the poor appointed by the said board of alms shall hold his office for one year from the second Monday in May of each year, and no longer unless reappointed. The board of alms of said town shall determine his compensation for all such services rendered by him as such overseer which shall not exceed four hundred dollars per annum. (*As amended by chapter 414 of the Laws of 1895.*)

§ 5. The board of alms of said town shall appoint a treasurer of the poor funds of said town, and take such security for the faithful performance of his duties, and to account and pay out the funds intrusted to him, as they shall deem adequate and shall approve, and they shall determine his compensation, which shall not exceed fifty dollars per annum. The said treasurer shall hold his office for one year and until his successor is appointed. The said board shall keep a record of all proceedings and shall adopt all needful rules as to their meetings and as to the management and dispensation of the funds for the relief of the poor under their control, and for the government of the treasurer and overseer of the poor.

§ 6. All moneys appropriated for the relief of the poor of said town shall be paid over to the treasurer of the poor fund of said town, and all payments and disbursements shall be made by him upon the order of the overseer of the poor or such other person as the board of alms may direct; and said treasurer shall not loan any moneys that may come into his hands, nor shall he use them for any other purpose than is provided for by this act. Any interest which may accrue on said fund shall be credited to said town.

§ 7. The board of alms may cause to be purchased all or any needful supplies for the relief of the poor, in such quantities

they may deem best, but not to exceed a supply for one year; and they may contract for such supplies, including medical and surgical services, to be delivered or rendered from time to time, as the same may be required or called for, but such contract shall not extend beyond thirty days after the annual town meeting next ensuing the time when such contract shall be made. Said board may also furnish relief to the poor in said town chargeable to the county or to any other town, and receive compensation therefor from the county or town to which such poor is chargeable.

§ 8. The board of alms shall audit and allow all charges and expenses incurred under their direction for the relief of the poor chargeable to the town of Herkimer, including the expense and compensation of officers, and shall report the same through the supervisor to the board of supervisors of the county at their annual meeting in each year, which shall cause the same to be inserted in the tax-list and raised as other town charges are directed to be raised. All charges and expenses for the support of the poor, chargeable to the county or to any other town of the county, shall be audited in the same manner that the charges for the support of the poor, chargeable to the county, are required by law to be audited and allowed.

§ 9. The duties of the office of overseer of the poor of the town of Herkimer are hereby transferred to the overseer of the poor to be appointed by the said board of alms, and to be administered under the direction of said board of alms to take effect as soon as said overseer has been appointed. The said overseer so appointed shall from time to time perform all the duties devolved upon the overseer of the poor of said town heretofore elected in and for said town; subject, however, to the direction of the board of alms and shall keep the vouchers, registers and accounts and charges required by law of overseers of the poor. He shall report to the board of alms quarterly and shall cause such report to be printed at least once in two newspapers of the village most nearly representing the two leading political parties, the names of all persons furnished and the amount to each person and family. And shall prepare annually a statement showing the names of all persons and families who have received relief and the amount to each person and family. No overseer of the poor shall be elected in said town of Herkimer after the passage of this act and the office

of existing overseer of the poor shall become vacated by the present incumbent upon an appointment of an overseer of the poor, as provided in the first section of this act. (*As amended by chapter 414 of the Laws of 1895.*)

§ 10. The board of alms may audit and allow for their services a sum not exceeding one hundred dollars to be apportioned among them as a majority may direct to be deemed expenses of administering the poor fund and to be raised as provided in section eight of this act. (*As amended by chapter 414 of the Laws of 1895.*)

§ 11. Nothing contained in this act shall be so construed as in any way to interfere with the power of the board of supervisors in relation to auditing the poor accounts of the county.

TOWNS OF NORTH HEMPSTEAD AND OYSTER BAY, NASSAU COUNTY.

AN ACT to appoint trustees of the Jones fund, for the support of the poor of the towns of Oysterbay and North Hempstead in the county of Queens.*

Chapter 312, Laws of 1838.

Section 1. That Andrew C. Hegeman, Ebenezer Seely and James C. Townsend, freeholders and inhabitants of the town of Oysterbay, and Benjamin Albertson and Singleton Mitchell, freeholders and inhabitants of the town of North Hempstead, be and they are hereby appointed trustees of the Jones fund, for the support of the poor in said towns, and shall hold their offices for two years from the first Tuesday of April, in the year one thousand eight hundred and thirty-eight, and until others are appointed in their place; and they and their successors shall be denominated "The Trustees of the Jones Fund for the support of the poor," three of whom shall always be freeholders and inhabitants of the town of Oysterbay and two of whom shall always be freeholders and inhabitants of the town of North Hempstead.

§ 2. The freeholders and inhabitants of the said town of Oysterbay, shall, at their annual town meeting, in the year one thousand

* Now Nassau County.

eight hundred and forty, and in every second year thereafter, choose by ballot three freeholders and inhabitants of the said town, who with two freeholders and inhabitants of the town of North Hempstead, to be chosen in like manner by ballot by the freeholders and inhabitants of said town, at their annual town meeting, in the year one thousand eight hundred and forty, and in every second year thereafter, shall be trustees of said fund; and the persons so chosen shall hold their offices for two years, and until others are chosen in their places.

§ 3. The trustees of the said fund and their successors in office shall be capable in law of suing and being sued, pleaded and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, by the name of "the trustees of the Jones fund for the support of the poor," and they and their successors in office by the name aforesaid shall be capable in law of taking, holding and managing said fund or any part of the same, as was by the last wills and testaments of Samuel Jones and Walter R. Jones, deceased, devised and bequeathed to the towns of Oysterbay and North Hempstead, for the purposes aforesaid, by the said testators, and shall also be capable of purchasing, holding, and conveying, either by deed or mortgage, any real or personal estate for the use and benefit of said fund, and carrying the intent of the said testators in creating the same into full effect. (*As amended by chapter 180 of the Laws of 1879, and chapter 229 of the Laws of 1880.*)

§ 4. Each of the said trustees, and their successors, before entering upon the duties of the said trust, shall execute a bond, with sufficient sureties, to the supervisor of their respective towns, the amount of the said bond and said sureties to be approved by the said supervisors respectively, for the faithful performance of the trust reposed in them as such trustees.

§ 5. Any three or more of said trustees shall constitute a quorum to transact any of the business and concerns of the said trust. If any of the trustees of said fund, appointed by or chosen under this act, shall die, resign, or remove from said towns, the said trustees may appoint a person of like qualifications to fill his place for the residue of his term of office, who shall in like manner as above provided, execute a bond, with sufficient sureties,

to the supervisor of the town from whence he shall be chosen, for the faithful discharge of his duty as trustee.

§ 6. The said trustees shall make an annual and full report to each of the said towns of Oysterbay and North Hempstead, at the annual town meetings thereof, of the state of the funds and property of said trust, and of the manner in which the same have been managed, and the income thereof applied during the preceding year.

§ 7. The chancellor of this state shall have a supervisory power over said trustees and fund, and may remove any of said trustee for good cause shewn, on petition or bill by any inhabitant of either of said towns.

§ 8. Each of said towns of Oysterbay and North Hempstead may, by vote at their annual town meetings, fix and allow to said trustees and their successors or any of them, from their respective towns, such salary or compensation for their services as such towns may respectively think proper, and which said salary or compensation shall be raised and paid as other ordinary expenses of said town.

§ 9. This act shall be deemed a public act.

TOWN OF OSWEGATCHIE, ST. LAWRENCE COUNTY.

(See chapter 28, Laws of 1882, page 384.)

THE GENERAL CITY LAW.

Chapter 327, Laws of 1900.

ARTICLE IX.

*HOSPITALS FOR TREATMENT OF PULMONARY TUBERCULOSIS.

Section 140. Establishment of hospitals.

141. Selection of site.

142. Jurisdiction of local board of health.

Section 140. Establishment of hospitals.—A city of the first class shall have power whenever its board of health shall deem it necessary for the promotion of the health of its inhabitants to establish, equip and maintain, outside of its corporate limits

*See also provisions of section 218a of the Public Health Law, page 560.

and not within the limits of any other city or any village, a hospital or hospitals for the regular treatment of the disease known as pulmonary tuberculosis.

§ 141. Selection of site.—Whenever a city of the first class shall desire to exercise the power conferred by this article it shall through its board of health, select such locality outside of its corporate limits, but within the state, and not within the corporate limits of any other city or any village, as it may consider best adapted by reason of climatic and other conditions for the treatment of such disease, and shall make application to the state board of health for the approval of the site so selected. Upon such approval being given the city may acquire title to such lands as its board of health may designate, within the limits of the locality submitted to and approved by the state board of health. The provisions of law relating to the acquiring of private property for public purposes are hereby made applicable as far as may be necessary to the acquiring of title to such lands.

§ 142. Jurisdiction of local board of health.—All hospitals or institutions now or hereafter established or maintained by any city of the first class for the regular or special treatment of persons suffering from the disease known as pulmonary tuberculosis shall be subject to the approval of the local board of health; special wards or pavilions for the treatment of cases of pulmonary tuberculosis in existing hospitals shall be provided with separate nurses, cooking utensils, washing and plumbing facilities.

THE COUNTY LAW.

Chapter 686, Laws of 1892.

ARTICLE II.

BOARDS OF SUPERVISORS.

§ 12. General powers.—The board of supervisors shall:

1. Have the care and custody of the corporate property of the county.
2. Annually audit all accounts and charges against the county, due or to become due, during the ensuing year, and direct the raising of sums necessary to defray them in full.

3. Annually direct the raising of such sums in each town as shall be necessary to pay its town charges.

4. Cause to be assessed, levied and collected, such other assessments and taxes as shall be required of them by any law of the state.

5. Fix the salaries and compensation of county treasurers, district attorneys and superintendents of the poor of their county, which shall be a county charge, and not be changed during the term of any such officer; and prescribe the mode of appointment and fix the number, grade and pay of the clerks, assistants and employes in such offices, when not otherwise fixed by law, which shall be a county charge.

6. Borrow money when they deem it necessary, for the erection of county buildings, and for the purchase of sites therefor, on the credit of the county, and for the funding of any debt of the county not represented by bonds, and issue county obligations therefor, and for other lawful county uses and purposes; and authorize a town in their county to borrow money for town uses and purposes on its credit, and issue its obligations therefor when, and in the manner, authorized by law. * * *

12. Cause an action to be brought upon the undertaking of any county officer, whenever a breach thereof shall occur.

13. Purchase, lease, or otherwise acquire, for the use of the county, necessary real property for courthouses, jails, almshouses, asylums and other county buildings, and for other county uses and purposes; and erect, alter, repair, or construct, any necessary buildings or other improvements thereon for necessary county use, and cause to be levied, collected and paid, all such sums of money as they shall deem necessary therefor; to select such name as they may deem proper and appropriate for the almshouse of such county and thereafter to designate such almshouse by the name so selected; and sell, lease or apply to other county use, the sites and buildings, when a site is changed; and if sold, apply the proceeds to the payment for new sites, buildings and improvements. * * * (*As amended by chapter 31 of the Laws of 1906.*)

§ 24. Form and presentation of accounts against the county.- No account shall be audited by a board of supervisors, or by committee thereof, or by superintendents of the poor, unless

shall be made out in items and accompanied with an affidavit that the items of such accounts are correct, and that the disbursements and services charged therein have been in fact made or rendered, or are necessary to be made or rendered at that session of the board, and stating that no part of the amount claimed has been paid or satisfied. But any such account so presented and verified may be disallowed in whole or in part, and the board or such superintendents may require any other or further evidence of the truth or propriety thereof. Each such account shall be numbered from one upwards in the order of presentation, and a memorandum of the time of presentation and the name of the claimant, and if assigned, the name of such assignor or assignee shall be entered in the proceedings of the board. No such account, after being so presented, shall be withdrawn without the unanimous consent of the board except to be used as evidence in an action or proceeding, and after being so used it shall be forthwith returned.

§ 25. Additional requirements.—Boards of supervisors may make such additional regulations and requirements, not in conflict with law, concerning the keeping and rendering of official accounts and reports of its county and town officers, and the presentation and auditing of bills presented to their board or to the town boards of their county, as they may deem necessary for the efficiency of the service and the protection of the interests of the public.

* * * * *

§ 31. Location of county buildings.—The board of supervisors may, except in the county of Kings, by a majority vote of all the members elected thereto, fix or change the site of any county building, and the location of any county office; but the site or location of no county building or office shall be changed when the change shall exceed one mile, and shall be beyond the boundaries of the incorporated village or city, where already situated, except upon a petition of at least twenty-five freeholders of the county, describing the buildings or office, the site or location of which is proposed to be changed, and the place at or near which it is proposed to locate such new buildings or office; which petition shall be published once in each week for six weeks immediately preceding an annual or special meeting of such board, in three news-

papers of the county, if there be so many, otherwise, in all the newspapers published in the county as often as once a week. With such petition shall also be published a notice, signed by the petitioners, to the effect that such petition will be presented to the board of supervisors at the next meeting thereof. The board of supervisors of any county may acquire a new site or location for the county almshouse, erect suitable buildings thereon, and remove the inmates of the existing almshouse thereto, upon a majority vote of all the members elected to said board at a regular session thereof or at a special session called for that purpose, in any case where the state board of charities shall have certified to said board of supervisors that in the opinion of a majority of said state board of charities such change is necessary to the proper care of the inmates of such institution; in which case it shall not be necessary to receive or publish the petition hereinbefore provided or to submit the question of change or removal to the electors of such county as provided in sections thirty-two and thirty-three of the act hereby amended; provided, however, that no site or location shall be selected or acquired by such board of supervisors which shall not have been approved by said state board of charities. (*As amended by chapter 133 of the Laws of 1899.*)

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ARTICLE XI.

SUPERINTENDENTS OF THE POOR.

Section 210. Election, appointment and term of office of superintendents of the poor.

211. Undertaking.

§ 210. Election, appointment, and term of office of superintendents of the poor.—There shall continue to be elected or appointed in each of the counties one or more superintendents of the poor as heretofore; but no supervisor of a town, or county treasurer, shall be elected or appointed to such office. The board of supervisors of any county having, or entitled to have three or more superintendents of the poor, may, at an annual meeting thereof, determine by resolution that thereafter only one county superintendent of the poor shall be elected; but no superintendent of the poor shall be elected or appointed in such county until the

general election next preceding the expiration of the terms of the superintendents in office, or the office shall be vacant. The term of any superintendent in office, or of any person duly elected thereto on the passage of such resolution, shall not be affected thereby. Such board may also, in counties having and entitled to have but one superintendent of the poor, in like manner determine that thereafter three superintendents of the poor be elected for such county. After the passage of a resolution, as herein provided, the powers herein conferred shall not be again exercised within a period of five years. Such resolution shall not take effect until the next calendar year succeeding its adoption.

There shall continue,

1. To be elected annually in each of the counties so having and being entitled to three county superintendents, one county superintendent of the poor, who shall hold his office for three years from and including the first day of January succeeding his election, and until his successor is duly elected and qualifies;

2. To be appointed by the board of supervisors, if in session, otherwise by the county judge, a county superintendent of the poor, when a vacancy shall occur in such office, and the person so appointed shall hold the office until and including the last day of December succeeding his appointment, and until his successor shall be elected and qualifies;

3. To be elected a county superintendent of the poor in a county when a vacancy shall occur in such office, and the term of which shall not expire on the last day of the next succeeding December, and the person so elected shall hold the office for such unexpired term, which shall be designated upon the ballots of the electors, or until his successor shall be elected and qualifies;

4. To be elected in each of the counties so having, and entitled to have but one superintendent, a superintendent of the poor, who shall hold his office for three years from and including the first day of January succeeding his election, and until his successor is duly elected and qualifies;

5. To be appointed by the board of supervisors, if in session, otherwise by the county judge, a superintendent of the poor, in a county having and being entitled to but one superintendent, when a vacancy shall occur in such office; and the person so appointed shall hold the office until and including the last day of December

succeeding his appointment, and until his successor shall be elected and qualifies;

6. To be elected in the succeeding year after the board of supervisors of a county having but one superintendent of the poor shall have adopted a resolution to have three superintendents, in the term of the superintendent in office expires within such year three superintendents of the poor for such county, for the term of one, two and three years respectively, which terms shall be respectively designated upon the ballots of the electors voting for such officers. If the term of the superintendent in office will not expire with such succeeding year, there shall be elected two superintendents of the poor for such county, for such terms, to be so designated upon the ballots of the electors voting for such officers, as will make the terms of one of the three superintendents expire with each succeeding year, and one superintendent of the poor shall hereafter be annually elected. Such persons so elected shall hold the office from and including the first day of January succeeding his election, and until and including the last day of December of the year in which his term shall so expire, and until his successor is duly elected and qualifies. When ballots are voted without designating the term, the first name on the ballot shall be deemed as intended for the full or longer term of the officer voted for; the second name for the next longer term, and the third name for the shorter term.

§ 211. Undertaking.—Every person elected or appointed to the office of superintendent of the poor shall, before he enters upon the duties of his office, and if appointed, within fifteen days after notice thereof, execute and deliver to the clerk of the county, to be filed in his office, his undertaking to the county, with two or more sufficient sureties, with the approval of the board of supervisors, if in session, indorsed thereon by the clerk; otherwise by the county judge of his county, or a justice of the supreme court of his judicial district, to the effect that he will faithfully discharge the duties of his office as such superintendent of the poor, and pay, according to law all moneys that shall come into his hands as such superintendent, and render a just and true account thereof to the board of supervisors of his county.

ARTICLE XIII.

MISCELLANEOUS.

* * * * *

§ 231. Compensation of public officers in Ulster county.—There shall be allowed to the several public officers in the county of Ulster the following annual salaries to be paid quarterly:

1. To the superintendent of the poor fifteen hundred dollars. * * *

§ 232. County charges, how raised.—The moneys necessary to defray the county charges of each county shall be levied on the taxable property in the several towns therein, in the manner prescribed in the general laws relating to taxes; and in order to enable the county treasurer to pay such expenses as may become payable from time to time, the board of supervisors shall annually cause such sum to be raised in advance in their county, as they may deem necessary for such purpose.

§ 233. Annual report of county officers.—Each county officer who shall receive, or is authorized by law to receive, any money on account of fines or penalties or other matter in which his county, or any town or city therein, shall have an interest, shall annually make a written report to the board of supervisors of his county, verified to be true, bearing date the first day of November, stating the time when, and the name of every person from whom such money has been received, the amount thereof, on what account received, and the sums remaining due and unpaid; and if no such money has been received, his report shall so state. Such report shall be filed with the clerk of the board, on or before the fifth day of November; and no officer shall be entitled to receive payment for his services, unless he shall file with the supervisors, or other officers performing their duties, his affidavit that he has made such report, and paid over all moneys which he is required to pay over, within ninety days after receiving any such money, such officers shall pay the same without any deduction to the treasurer of his county, who shall execute duplicate receipts therefor, one of which he shall deliver to the person paying the money, and attach the other to his annual report herein required; but nothing herein shall be construed to apply to moneys received by any town or city officer in his official

capacity, as such, specially appropriated for any town or city purpose.

THE TOWN LAW.

Chapter 569, Laws of 1890.

* * * * *

§ 12. Election of officers.—There shall be elected at the biennial town meeting in each town, by ballot, * * one or two overseers of the poor. * * (*As amended by chapter 37 of the Laws of 1893, § 1; 344 of 1893, § 1; 481 of 1897, § 3; 363 of 1898, § 2; 349 and 536 of 1901; and 57 of 1903.*)

§ 13. Term of office.— * * Overseers of the poor * * when elected, shall hold their respective offices for two years. * * (*As amended by chapter 344 of the Laws of 1893, § 1; chapter 48 of the Laws of 1897, § 3; chapter 363 of the Laws of 1898, § 2; chapter 145 of the Laws of 1899, § 2; chapter 191 of the Laws of 1901; and chapter 391 of the Laws of 1901.*)

* * * * *

§ 16. Overseers of the poor.—The electors of each town may, at their biennial town meeting, determine by resolution whether they will elect one or two overseers of the poor, and the number so determined upon shall be thereafter biennially elected for a term of two years. Whenever any town shall have determined upon having two overseers of the poor, the electors thereof may determine by a resolution at a biennial town meeting, to thereafter have but one, and if they so determine thereafter no other overseer shall be elected or appointed, until the term of the overseer continuing in office at the time of adopting the resolution shall expire or become vacant, and the overseer in office may continue to act until his term shall expire or become vacant. The electors of any town may, at any biennial or regularly called special town meeting on the application of at least twenty-five resident taxpayers whose names appear upon the then last preceding town assessment-roll, adopt by ballot a resolution that there shall be appointed in and for such town one overseer of the poor. If a majority of the ballots so cast shall be in favor of appointing an overseer of the poor, no overseer of the poor shall thereafter be elected in such town except as hereinafter provided, and the overseers of the poor of such town elected at the town meeting a

which such resolution is adopted or who shall then be in office shall continue to hold office for the terms for which they were respectively chosen; and within thirty days before the expiration of the term of office of such elected overseer whose term expires latest, the town board of such town shall meet and appoint one overseer of the poor for such town, who shall hold office for one year from the first day of May next after his appointment; and annually in the month of April in each year thereafter an overseer of the poor shall be appointed by the town board of such town for the term of one year from the first day of May next following such month of April. Each overseer of the poor so appointed shall execute and file with the town clerk an official undertaking in such form and for such sum as the town board may by resolution require and approve. An overseer of the poor, so appointed, shall not hold any other town office during the term for which he is so appointed, and if he shall accept an election or appointment to any other town office he shall immediately cease to be an overseer of the poor. If a vacancy shall occur in the office of an overseer of the poor, so appointed, such vacancy shall be filled by the town board, by appointment, for the balance of the unexpired term. The compensation of an overseer of the poor so appointed, shall be fixed by the town board of such town, but shall not exceed, in any one year, the sum of one thousand dollars, and shall be a town charge. At any subsequent town meeting after the expiration of three years from the adoption of a resolution by any town to appoint an overseer of the poor, the electors of the town may determine by ballot to thereafter elect one or more overseers of the poor, and if they determine so to elect, then at the next biennial town meeting thereafter one or more overseers of the poor shall be elected in pursuance of the laws regulating the election of overseers of the poor, and the term or terms of the overseer or overseers first so elected shall commence upon the expiration of the term of office of the overseer of the poor last theretofore appointed in pursuance of law, and shall expire as though each such term commenced at the time of election; and their successors shall thereafter be elected in pursuance of law. (*As amended by chapter 107 of the Laws of 1894, § 1, and chapter 481 of the Laws of 1897, § 7.*)

§ 22. Powers of biennial town meetings.—The electors of each town may, at their biennial town meeting:

10. In towns bound to support their own poor, direct such sum to be raised, as they may deem necessary for such purpose, and to defray any charges that may exist against the overseers of the poor in their town.

11. Determine any other question lawfully submitted to them.

12. Direct the sale and conveyance by the supervisor in the name of the town of property owned by it. * * * (*As amended by chapter 481 of the Laws of 1897, § 11, and chapter 377 of the Laws of 1900.*)

§ 23. Special town meetings.—Special town meetings shall also be held whenever twenty-five taxpayers upon the last town assessment roll shall, by written application addressed to the town clerk, require a special town meeting to be called, for the purpose of raising money for the support of the poor. * * Special town meetings may also be held upon the like application of the supervisor, commissioners of highways, or overseers of the poor, to determine questions pertaining to their respective duties as such officers, and which the electors of a town have a right to determine. An application and notice heretofore made and given for a special town meeting to be hereafter held for a purpose not heretofore authorized by law, shall be as valid and of the same force and effect as if such purpose had been authorized by law at the time of such application and notice. (*As amended by chapter 280 of the Laws of 1894, § 1, and chapter 481 of the Laws of 1897, § 12.*)

§ 56. Town officers to administer oaths.—Any town officer may administer any necessary oath in any manner or proceeding lawfully before him, or to any paper to be filed with him as such officer.

§ 62. Undertaking of overseer of the poor.—Every person elected or appointed overseer of the poor in any town shall, within ten days after being notified of his election or appointment, execute an undertaking with one or more sureties, to be approved by the supervisor of his town, to the effect that he will faithfully discharge the duties of his office, and will pay accord-

ing to law all moneys which shall come into his hands as such overseer, which undertaking shall be delivered to the supervisor and filed by him in the office of the town clerk within ten days thereafter.

ARTICLE VII.

THE TOWN BOARD.

* * * * *

§ 161. Meeting of town board for receiving accounts of town officers.—At the meeting of the town board held on the Tuesday preceding the biennial town meeting and on the corresponding date in each alternate year, or on the twenty-eighth day of December in each year, or on the day preceding when such day falls on Sunday, all town officers who receive or disburse any moneys of the town, shall account with the board for all such moneys received and disbursed by them by virtue of their office, and produce all receipts, orders and vouchers which they may have respecting the same, but no member of the board shall sit as a member of the board when any account in which he is interested is being audited by the board. The board shall make a statement of such accounts, and append thereto a certificate signed by at least a majority of them, showing the state of the accounts of each officer at the date of the certificate which statement, certificate, receipts, orders and vouchers shall each be filed with the town clerk of the town, within three days thereafter, and be open to public inspection during the office hours of such town clerk. (*As amended by chapter 481 of the Laws of 1897, § 19; chapter 363 of the Laws of 1898, § 8; and chapter 57 of the Laws of 1904.*)

§ 162. Meeting of town board for auditing accounts.—The meeting of the town board held on the Thursday preceding the annual meeting of the board of supervisors, shall be for the purpose of auditing accounts and allowing or rejecting all charges, claims and demands against the town. No member of the town board or board of town auditors shall present a claim or demand against the town for audit, which has been assigned to him by another, or for labor, services or material rendered or furnished by himself, or by another as his servant or agent or under contract with him, or any claim or demand of any name or nature wherein he has an interest, direct or indirect, excepting his per diem compensation for attendance upon meetings of the town board of said

town and the fees allowed to him by law for services rendered in his official capacity; and no claim or demand in which a member has an interest or which is based wholly or partly on services or material rendered or furnished by such member shall be audited or allowed by said board in favor of any person or corporation. If any account is wholly rejected, the board shall make a certificate to that effect, signed by at least a majority of them, and file the same in the office of the town clerk. If the account is allowed, wholly or in part, the board shall make a certificate to that effect, signed by at least a majority of them, and if allowed only in part, they shall state in the certificate the items or parts of items allowed, and the items or parts of items rejected, and shall cause a duplicate of every certificate allowing an account, wholly or in part to be made. One of which duplicates shall be delivered to the town clerk of the town, to be kept on file for the inspection of any of the inhabitants of the town; and the other shall be delivered to the supervisor of the town, to be by him laid before the board of supervisors of his county at their annual meeting. The board of supervisors shall cause to be levied and raised upon the town the amount specified in the certificate, in the same manner as they are directed to levy and raise other town charges. (*As amended by chapter 481 of the Laws of 1897, § 19, chapter 89 of the Laws of 1905, and chapter 505 of the Laws of 1906.*)

VARIOUS ACTS OF CONGRESS RELATING TO IMMIGRATION.

Sections 3 and 5 of an act supplementary to the acts in relation to immigration, approved March 3, 1875, vol. 18, part 3, United States Statutes at Large provide:

"Sec. 3. That the importation into the United States of women for the purpose of prostitution is hereby forbidden; and all contracts and agreements in relation thereto, made in advance or in pursuance of such illegal importation and purposes, are hereby declared void; and whoever shall knowingly and willfully import, or cause any importation of, women into the United States for the purposes of prostitution, or shall knowingly or willfully hold, or attempt to hold, any women to any such purposes, in pursuance

of such illegal importation and contract or agreement, shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not exceeding five years and pay a fine not exceeding five thousand dollars."

"Sec. 5. That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing a sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, or whose sentence has been remitted on condition of their immigration, and women 'imported for the purposes of prostitution.' Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that any such obnoxious persons are on board; and the officer making such inspection shall certify the result thereof to the master or other person in charge of such vessel, designating in such certificate the person or persons, if any there be, ascertained by him to be of either of the classes whose importation is hereby forbidden. When such inspection is required by the collector as aforesaid, it shall be unlawful, without his permission, for any alien to leave any such vessel arriving in the United States from a foreign country until the inspection shall have been had and the result certified as herein provided; and at no time thereafter shall any alien certified to by the inspecting officer as being of either of the classes whose immigration is forbidden by this section be allowed to land in the United States, except in obedience to a judicial process issued pursuant to law. If any person shall feel aggrieved by the certificate of such inspecting officer stating him or her to be within either of the classes whose immigration is forbidden by this section, and shall apply for release or other remedy to any proper court or judge, then it shall be the duty of the collector at said port of entry to detain said vessel until a hearing and determination of the matter are had, to the end that if the said inspector shall be found to be in accordance with this section, and sustained, the obnoxious person or persons shall be returned on board of said vessel, and shall not thereafter be permitted to land, unless the master, owner, or consignee of the vessel shall give bond and security, to be approved by the court or judge hearing the cause, in the sum of five hundred

dollars for each such person permitted to land, conditioned for the return of such person, within six months from the date thereof to the country whence his or her emigration shall have taken place, or unless the vessel bringing such obnoxious person or persons shall be forfeited, in which event the proceeds of such forfeiture shall be paid over to the collector of the port of arrival and applied by him, as far as necessary, to the return of such person or persons to his or her own country within the said period of six months. And for all violations of this act, the vessel, by the acts, omissions, or connivance of the owners, master, or other custodian, or the consignees of which the same are committed shall be liable to forfeiture, and may be proceeded against as in cases of frauds against the revenue laws, for which forfeiture is prescribed by existing law."

Approved March 3, 1875.

AN ACT to regulate immigration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, there shall be levied, collected, and paid a duty of fifty cents for each and every passenger not a citizen of the United States who shall come by steam or sail vessel from a foreign port to any port within the United States. The said duty shall be paid to the collector of customs of the port to which such passenger shall come, or if there be no collector at such port, then to the collector of customs nearest thereto, by the master, owner, agent, or consignee of every such vessel, within twenty-four hours after the entry thereof into such port. The money thus collected shall be paid into the United States Treasury and shall constitute a fund to be called the immigrant fund and shall be used, under the direction of the Secretary of the Treasury, to defray the expenses of regulating immigration under this act and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect. The duty imposed by this section shall be a lien upon the vessels which shall bring such passengers into the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy: *Provided*

That no greater sum shall be expended for the purposes hereinbefore mentioned, at any port, than shall have been collected at such port.

Sec. 2. That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act and with supervision over the business of immigration to the United States, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need public aid, under the rules and regulations to be prescribed by said Secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners, or officers or such other person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if on such examination there shall be found among such passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, they shall report the same in writing to the collector of such port, and such person shall not be permitted to land.

Sec. 3. That the Secretary of the Treasury shall establish such regulations and rules and issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated to protect the United States and immigrants into the United States from fraud and loss and for carrying out the provisions of this act and the immigration laws of the United States; and he shall prescribe all forms of bonds, entries, and other papers to be used under and in the enforcement of the various provisions of this act.

Sec. 4. That all foreign convicts, except those convicted of political offenses, upon arrival, shall be sent back to the nations to which they belong and from whence they came. The Secretary of the Treasury may designate the State board of charities of any State in which such board shall exist by law, or any commission in any State, or any person or persons in any State whose duty it

shall be to execute the provisions of this section without compensation. The Secretary of the Treasury shall prescribe regulations for the return of the aforesaid persons to the countries from whence they came and shall furnish instructions to the board, commission, or persons charged with the execution of the provisions of this section as to the mode of procedure in respect thereto, and may change such instructions from time to time. The expense of such return of the aforesaid persons not permitted to land shall be borne by the owners of the vessel in which they came.

Sec. 5. That this act shall take effect immediately.

Approved August 3, 1882.

AN ACT to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes, approved June 26, 1884.

Sec. 22. That until the provisions of section one, chapter three hundred and seventy-six, of the laws of eighteen hundred and eighty-two, shall be made applicable to passengers coming into the United States by land carriage, said provisions shall not apply to passengers coming by vessels employed exclusively in the trade between the ports of the United States and the ports of the Dominion of Canada or the ports of Mexico.

ACT OF MARCH 3, 1903.

AN ACT to regulate the immigration of aliens into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be levied, collected, and paid a duty of two dollars for each and every passenger not a citizen of the United States, or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, who shall come by steam, sail, or other vessel from any foreign port to any port within the United States, or by any railway or any other mode of transportation, from foreign contiguous territory to the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every such vessel or

*transportation line. The money thus collected shall be paid into the United States Treasury and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of the Treasury to defray the expense of regulating the immigration of aliens into the United States under this act, including the cost of reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employes appointed for the purpose of enforcing the provisions of this act. The duty imposed by this section shall be a lien upon the vessel which shall bring such aliens to ports of the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels, and the payment of such duty may be enforced by any legal or equitable remedy; the head tax herein provided for shall not be levied upon aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the head tax who later shall go in transit from one part of the United States to another through foreign contiguous territory; *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, by agreement with transportation lines, as provided in section thirty-two of this act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens.

Sec. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, insane persons, epileptics, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or with a dangerous contagious disease; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government or of all forms of law, or the assassination of public officials; prostitutes, and persons who procure or attempt to bring in prostitutes

or women for the purpose of prostitution; those who have been within one year from the date of the application for admission to the United States, deported as being under offers, solicitation, promises or agreements to perform labor or service of some kind therein; and also any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes: *Provided*, That nothing in this act shall exclude persons convicted of an offense purely political, not involving moral turpitude: *And provided further*, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country; *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Sec. 3. That the importation into the United States of any woman or girl for the purposes of prostitution is hereby forbidden; and whoever shall import or attempt to import any woman or girl into the United States for the purposes of prostitution, or shall hold or attempt to hold, any woman or girl for such purposes in pursuance of such illegal importation shall be deemed guilty of a felony, and, on conviction thereof, shall be imprisoned not less than one nor more than five years and pay a fine not exceeding five thousand dollars.

Sec. 4. That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepare the transportation or in any way assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parole or special, expressed or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States.

Sec. 5. That for every violation of any of the provisions of section four of this act the person, partnership, company, or cor-

poration violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any alien to the United States to perform labor or service of any kind by reason of any offer, solicitation, promise, or agreement, expressed or implied, parole or special, to or with such alien shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

Sec. 6. That it shall be unlawful and be deemed a violation of section four of this act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section two of this act, and the penalties imposed by section five of this act shall be applicable to such a case: *Provided*, That this section shall not apply to states or territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

Sec. 7. That no transportation company or owner or owners of vessels or others engaged in transporting aliens into the United States shall, directly or through agents, either by writing, printing, or oral representations, solicit, invite, or encourage the immigration of any aliens into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company and any such owner or owners of vessels, and all others engaged in transporting aliens to the United States, and the agents by them employed, shall be subjected to the penalties imposed by section five of this act.

Sec. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector, or not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars for each and every alien so landed or attempted to be landed, or by imprisonment for a term not less than three months nor more than two years, or by both such fine and imprisonment.

Sec. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien afflicted with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of the Treasury that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such person or transportation company or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers while any such fine imposed upon it remains unpaid, nor shall such fine be remitted.

Sec. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this act.

Sec. 11. That upon the certificate of a medical officer of the United States Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, physical disability, or infancy, if such alien is accompanied by another alien whose protection or

guardianship is required by such rejected alien, the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return such alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

Sec. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel, having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend and his name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise or agreement, expressed or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause.

Sec. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of

the master or commanding officer or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or insane person, or a pauper, or is likely to become a public charge or is suffering from a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime, or misdemeanor involving moral turpitude, or a polygamist, or an anarchist, or under promise or agreement, expressed or implied, to perform labor in the United States, or a prostitute, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

Sec. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

Sec. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof as required in sections twelve, thirteen, and fourteen of this act, he shall pay to the collector of customs at the port of arrival the sum of ten dollars for each alien concerning whom the above information is not contained in any list as aforesaid.

Sec. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections twelve, thirteen, and fourteen of this act it shall be

the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transportation companies, masters, agents, owners, and consignees of the vessel bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

Sec. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine and who shall certify for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury. The United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of the Treasury.

Sec. 18. That it shall be the duty of the owners, officers and agents of any vessel bringing an alien to the United States to adopt due precautions to prevent the landing of any such alien from such vessel at any time or place other than that designated

by the immigration officers, and any such owner, officer, agent, or person in charge of such vessel who shall land or permit to land any alien at any time or place other than that designated by the immigration officers, shall be deemed guilty of a misdemeanor, and shall on conviction be punished by a fine for each alien so permitted to land of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment, and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported, as provided by law.

Sec. 19. That all aliens brought into this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessels shall refuse to receive back on board thereof, or of any other vessel owned by the same interest, such aliens, or shall neglect to detain them thereon, or shall refuse or neglect to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction be punished by a fine not less than three hundred dollars for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may suspend, upon conditions to be prescribed by the Commissioner-General, the deportation of any alien found to have come under promise or agreement of labor or service of any kind if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against the provisions of sections four and five of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section seventeen of this act, to be suffering with a loathsome or with a dangerous contagious disease other than

one of a quarantinable nature, shall be permitted to land for medical treatment thereof in the hospitals of the United States.

Sec. 20. That any alien who shall come into the United States in violation of law, or who shall be found a public charge therein, from causes existing prior to landing, shall be deported as herein-after provided to the country whence he came at any time within two years after arrival at the expense, including one-half of the cost of inland transportation to the port of deportation, of the person bringing such alien into the United States, or, if that can not be done, then at the expense of the immigration fund referred to in section one of this act.

Sec. 21. That in case the Secretary of the Treasury shall be satisfied that an alien has been found in the United States in violation of this act he shall cause such alien, within the period of three years after landing or entry therein, to be taken into custody and returned to the country whence he came as provided in section twenty of this act, or, if that can not be so done, at the expense of the immigrant fund provided for in section one of this act; and neglect or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of the Treasury to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this section shall be punished by the imposition of the penalties prescribed in section nineteen of this act.

Sec. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of the Treasury, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employes appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bonds, reports, entries and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid;

all under the direction or with the approval of the Secretary of the Treasury. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of the Treasury, whenever in his judgment such action may be necessary to accomplish the purposes of this act, detail immigration officers for temporary service in foreign countries.

Sec. 23. That the duties of the Commissioners of Immigration shall be of an administrative character, to be prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of the Treasury.

Sec. 24. That immigrant inspectors and other immigration officers, clerks, and employes shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of the Treasury, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil service act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider testimony touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such testimony, and any person to whom such an oath has been administered under the provisions of this act who shall knowingly or willfully give false testimony or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be

deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

Sec. 25. That such boards of special inquiry shall be appointed by the commissioners of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of aliens detained at such ports under the provisions of law. Such boards shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration with the approval of the Secretary of the Treasury, shall from time to time designate as qualified to serve on such board: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of the Treasury, upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep complete permanent records of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail and be final, but either the alien or any dissenting member of said board may appeal, through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration, to the Secretary of the Treasury, whose decision shall then be final; and the taking of such appeal shall operate to stay any action in regard to the final disposal of the alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision.

Sec. 26. That no bond or guaranty, written or oral, that an alien shall not become a public charge shall be received from any

person, company, corporation, charitable or benevolent society or association unless authority to receive the same shall in each special case be given by the Commissioner-General of Immigration, with the written approval of the Secretary of the Treasury.

Sec. 27. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

Sec. 28. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under any existing act or any acts hereby amended, but such prosecutions or other proceedings, criminal or civil, shall proceed as if this act had not been passed.

Sec. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

Sec. 30. That after the first day of January, nineteen hundred and three, all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigration station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treasury, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section one of this act.

Sec. 31. That for the preservation of the peace, and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper state and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

Sec. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of the Treas-

ury, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with foreign transportation lines for the same purpose.

Sec. 33. That for the purposes of this act the words "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory or other place now subject to the jurisdiction thereof.

Sec. 34. That no intoxicating liquors of any character shall be sold within the limits of the Capitol building of the United States.

Sec. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

Sec. 36. That all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent.

Sec. 37. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his preliminary declaration to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife, or either of said children shall be found to be affected with any contagious disorder, and if it is proved that said disorder was contracted on board the ship in which they came, and is so certified by the examining surgeon at the port of arrival, such wife or children shall be held, under such regulations as the Secretary of the Treasury shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be deported until such facts have been ascertained.

Sec. 38. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or

opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or officers generally, of the government of the United States or of any other organized government, because of his or their official character shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of the Treasury under such rules and regulations as he shall prescribe.

That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of the Treasury shall be fined not more than five thousand dollars, or imprisoned for not less than one nor more than five years, or both.

Sec. 39. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the government of the United States or of any other organized government, because of his or their official character, or who has violated any of the provisions of this act, shall be naturalized or be made a citizen of the United States. All courts and tribunals and all judges and officers thereof having jurisdiction of naturalization proceedings or duties to perform in regard thereto shall, on the final application for naturalization, make careful inquiry into such matters, and before issuing the final order or certificate of naturalization cause to be entered of record the affidavit of the applicant and of his witnesses so far as applicable, reciting and affirming the truth of every material fact requisite for naturalization. All final orders and certificates of naturalization hereafter made shall show on their face specifically that said affidavits were duly made and recorded and all orders and certificates that fail to show such facts shall be null and void.

That any person who purposely procures naturalization in violation of the provisions of this section shall be fined not more than five thousand dollars, or shall be imprisoned not less than one nor more than ten years, or both, and the court in which such conviction is had shall thereupon adjudge and declare the order or decree and all certificates admitting such person to citizenship null and void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication.

That any person who knowingly aids, advises, or encourages any such person to apply for or to secure naturalization or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not less than one nor more than ten years, or both.

The foregoing provisions concerning naturalization shall not be enforced until ninety days after the approval hereof.

Approved March 3, 1903.

THE LIQUOR TAX LAW.

Chapter 112, Laws of 1896.

* * * * *

§ 24. Places in which traffic in liquor shall not be permitted.
—Traffic in liquor shall not be permitted:

1. In any building or upon any premises or lands established as a penal institution, protectory, industrial school, asylum, state hospital, state agricultural and industrial school, colony or institution established for the care or treatment of epileptics, or poorhouse, and if such building, premises or lands, other than a county jail or state prison, be situated in a town and outside the limits of an incorporated village or city, not within one-half mile of any building, premises or lands so occupied, provided there be such distance of one-half mile between such building, premises and lands and the nearest boundary line of such village or city.

* * * (*As amended by chapter 445 of the Laws of 1896, § 1; chapter 312 of the Laws of 1897, § 16; and chapter 104 of the Laws of 1905.*) * * * *

§ 30. Persons to whom liquor shall not be sold or given away.—No corporation, association, copartnership or person, whether taxed under this act or not, shall sell, deliver or give away or cause or permit or procure to be sold, delivered or given away any liquors to:

1. Any minor under the age of eighteen years; nor to such minor for any other person;

2. To any intoxicated person;

3. To any habitual drunkard;

4. To any Indian;

5. To any person to whom such corporation, association, copartnership or person may be forbidden to sell by notice in writing from the parent, guardian, husband, wife or child of such person over sixteen years of age, or by a magistrate or overseer of the poor of the town; provided, however, that such notice in writing by a magistrate or overseer of the poor of the town shall apply only in the case of a person who is wholly or partly a charge upon the town, which fact shall be stated in such notice;

6. To any person confined in or committed to a state prison, jail, penitentiary, house of refuge, reformatory, protectory, industrial school, asylum or state hospital, or any inmate of a poorhouse, or any patient in any colony or institution established for the care or treatment of epileptics, except upon a written prescription from a physician to such institution, specifying the cause for which such prescription is given, the quantity and kind of liquor which is to be furnished, the name of the person for whom and the time or times at which the same shall be furnished. Such prescription shall not be made unless the physician is satisfied that the liquor furnished is necessary for the health of the person for whose use it is prescribed, and that fact must be stated in the prescription. (*As amended by chapter 312 of the Laws of 1897, § 21.*)

PROCEEDINGS RESPECTING THE SUPPORT OF POOR PERSONS.

Title VIII of Part VI of the Code of Criminal Procedure.

Section 914. Who may be compelled to support poor relatives.

915. Order to compel a person to support a poor relative, etc.

Section 916. Court to hear the case, and make order of support.

917. Support, when to be apportioned among different relatives.

918. Order, to prescribe time during which support is to continue, or may be indefinite; when and how order may be varied.

919. Costs, by whom to be paid, and how enforced.

920. Action on the order, on failure to comply therewith.

921. Proceedings against absconding parents, leaving children chargeable to public, etc.

922. Seizure of their property; transfer thereof, when void.

923. Warrant and seizure, when confirmed or discharged; direction of the court thereon.

924. Warrant, in what cases to be discharged.

925. Sale of the property seized and application of its proceeds.

926. Powers of superintendents of poor.

Section 914. Who may be compelled to support poor relatives.

—The father, mother and children, if of sufficient ability, of a poor person who is insane, blind, old, lame, impotent or decrepit, so as to be unable by work to maintain himself, must, at their own charge, relieve and maintain him in a manner to be approved by the overseers of the poor of the town where he is, or in the city of New York, by the commissioners of public charities. If such poor person be insane, he shall be maintained in the manner prescribed by the insanity law. The father, mother, husband, wife, or children of a poor insane person legally committed to and confined in an institution supported in whole or in part by the state, shall be liable, if of sufficient ability, for the support and maintenance of such insane person from the time of his reception in such institution. (*As amended by chapter 399 of the Laws of 1898.*)

Where a son requests the superintendent of the poor to take proceedings to have his father committed to an asylum, and promises to pay a certain sum towards his future support he is liable therefor. *Supreme Court, June, 1888, Herendeen v. De Witt*; 49 Hun, 53.

A husband is not bound to maintain his wife's illegitimate children born before their marriage. *Supreme Court, May, 1827, Minden v. Cox*, 7 Cow., 235.

Persons having relatives within prescribed degrees and whom they have sufficient ability to support are under an absolute duty, at their own charge, to support the persons described, not in the poorhouse, nor even through the agency of, but only in a manner to be approved by, the poor authorities of town or county. *Supreme Court, April 13, 1892, Matter of Weaver v. Benjamin*, 45 St. Rep., 97; 18 N. Y. Supp., 630, 631. This scheme is outside of the general provisions of the statute for the care and relief of the poor, who are, or who become, a public charge. *Id.* Its purpose is to prevent these persons from becoming a public charge. *Id.* It is not the intent that they are to be made and marked as public paupers by being consigned to the poorhouse of the county. *Id.*

The order for support goes beyond the power of the court when it attaches to the liability of a party to support his mother, the condition that she shall receive such support in the county poorhouse. *Id.*

The court has no power to prescribe the place where the poor person shall be supported, nor any of the conditions of such support, except that the manner of it shall be such as is approved by the overseers or superintendents of the poor. *Id.*

Whatever power there is over that support is vested in the overseers or superintendents of the poor; the court can only declare the duty to support, and in default to fix the sum to be paid. *Id.*

Supreme Court, March, 1885, In Stevens v. Cheney, 36 Hun, 1, the court said: "Under this statute (§ 914) the child is bound to aid in the support of a parent if he is a poor person and unable to defend himself, and, if he fails to do so, the court of sessions may compel him. If the child recognizes the duty laid upon him by statute to care for his indigent parent and voluntarily assumes it without waiting to be compelled by the court of sessions, what right have third persons or wrongdoers to interfere and prevent? The law affords the same protection to those who perform their duty voluntarily as it does to those who reluctantly act under compulsion, and we are of opinion that if the parent is a poor person within the provisions of the statute, it was the duty of the son to aid in his support, and if he voluntarily did that and the plaintiff has been deprived of his means of support by reason of the intoxication, that then he may recover, even though his child is over the age of twenty-one years." See, also, *Supreme Court, October, 1895, De Puy v. Cook*, 90 Hun, 43.

Where two or more persons are equally liable to support an indigent person but are unequally able to grant such support, contribution may be ordered and all may be made to pay in accordance with their means. *Court of Appeals, February 20, 1872, Stone v. Burgess*, 47 N. Y. 521; 2 Lans. 439.

The common law affords no means of compelling a husband to support his wife otherwise than by making him liable to third persons who have supplied her with necessaries after he has improperly refused to do so and the statute providing for the compulsory support of indigent relatives does not extend to husband and wife. *Supreme Court, July, 1877, People ex rel. Kehlbeck v. Walsh*, 11 Hun, 292.

The wife of a man who is abundantly able to provide for her cannot be deemed a poor person. Superintendents of the poor cannot, as such, maintain an action against a husband for boarding, clothing and medical aid furnished to his wife as a pauper. *Supreme Court, May, 1854, Norton et al. v. Rhodes*, 18 Barb. 100.

§ 915. Order to compel a person to support a poor relative, etc.—If a relative of a poor person fail to relieve and maintain him, as provided in the last section, the overseers of the poor of the town where he is, or in the city of New York, the commissioners of public charities may apply to any court of record or to a judge thereof where the relative dwells, for an order to compel such relief upon at least ten days' written notice, served personally, or by leaving it at the last place of residence of the person to whom it is directed, in case of his absence, with a person of suitable age and discretion. If such poor person be insane and legally committed to and confined in an institution supported in whole or in part by the state, and his relatives refuse or neglect to pay for his support and maintenance therein, application may be made by the treasurer of such institution in the manner provided in this section for an order directing the relatives liable therefor to make such payment. (*As amended by chapter 399 of the Laws of 1898.*)

The overseers are the proper parties to begin proceedings to compel a father to support his poor and infirm son. *Supreme Court, July 1887, Tillotson v. Smith*, 12 St. Rep. 331. See also *Court of Appeals, February 20, 1872, Stone v. Burgess*, 2 Lans. 439.

§ 916. Court to hear the case and make order of support.—At the time appointed in the notice, the court or a judge thereof must proceed summarily to hear the allegations and proofs of the parties, and must order such of the relatives of the poor person mentioned in section nine hundred and fourteen, as were served with the notice and are of sufficient ability, to relieve and maintain him, specifying in the order the sum to be paid weekly for his support, and requiring it to be paid by the father, or if there be none, or if he be not of sufficient ability, then by the children, or if there be none, or if they be not of sufficient ability, then by the mother. If the application be made to secure an order compelling relatives to pay for the maintenance of insane poor persons committed to and confined in an institution supported in whole or in part by the state such order shall specify the sum to be paid for his maintenance by his relatives liable therefor, from the time of his reception in such institution to the time of making such order, and also the sum to be paid weekly for his future maintenance in such institution. The

relatives served with such notice shall be deemed to be of sufficient ability, unless the contrary shall affirmatively appear to the satisfaction of the court or a judge thereof. (*As Amended by chapter 399 of the Laws of 1898.*)

§ 917. Support; when to be apportioned among different relatives.—If it appear that any such relative is unable to wholly maintain the poor person or to pay for his maintenance if confined in a state institution for the insane, but is able to contribute toward his support, the court or judge thereof may direct two or more relatives, of different degrees, to maintain him or to pay for his maintenance in such an institution if insane, prescribing the proportion which each must contribute for that purpose; and if it appear that the relatives are not of sufficient ability wholly to maintain him, or to pay for his maintenance in such an institution, if insane, but are able to contribute something, the court or a judge thereof may direct the sum, in proportion to their ability, which they shall pay weekly for that purpose. If it appears that the relatives who are liable for the maintenance of an insane poor person confined in a state institution for the insane are not able to pay the whole amount due for such maintenance from the time of such poor person's admission to such institution, the court or a judge thereof must direct the sum to be paid for such maintenance in proportion to the ability of the relatives liable therefor. (*As amended by chapter 399 of the Laws of 1898.*)

Two out of five children may be ordered to support an indigent parent, and those two in unequal amounts. *Court of Appeals, February 20, 1872, Stone v. Burgess, 2 Lans. 439.*

The liability of the children charged by the order is several, and either is liable on default, in an action to recover the payment required of him by the order. *Id.*

Where the poor are a charge upon the county, the action to enforce such support is properly brought by the superintendent of the poor. *Id.*

See *Supreme Court, June 23, 1888, Herendeen v. DeWitt, 17 St. Rep. 298; 1 N. Y. Supp. 469; 49 Hun. 55.*

§ 918. Order to prescribe time during which support is to continue, or may be indefinite; when and how order may be varied.—The order may specify the time during which the relatives must maintain the poor person, or during which any of the sums directed by the court or a judge thereof are to be paid, or it may be indefinite or until the further order of the court

or a judge thereof. If the order be for the payment of a weekly sum for the maintenance of an insane poor person in a state institution, the order shall specify that such sum shall be paid as long as such insane poor person is maintained in such institution. The court or a judge thereof may from time to time vary the order, as circumstances may require, on the application either of any relative affected by it, or of an officer on whose application the order was made, upon ten days' written notice. (*As amended by chapter 399 of the Laws of 1898.*)

So long as an order, made by a court of sessions, directing the relative of a poor person to pay a specified sum periodically to the superintendent of the poor for the support of such poor person, remains unchanged, such relative is liable to pay the sum therein prescribed. If he or she desires to be relieved therefrom application to amend the order should be made. If the person directed by an order of the Court of Sessions to pay a certain sum of money per week, payable monthly to a superintendent of the poor, to be applied exclusively to the support of her daughter, desires to relieve herself from the effect thereof, she should apply to the Court of Sessions under the provisions of this section for its modification, but so long as the order remains unchanged such person is, by force of the statute, liable to pay the sum therein prescribed. *Supreme Court, October, 1892, Aldridge v. Walker*, 73 Hun, 281; 57 St. Rep. 273; 26 N. Y. Supp. 296.

Such an order is not void because it gives no option to such person either to support her daughter or to pay the amount provided, and if it is irregular or improper the remedy is by appeal, and the question of its irregularity or impropriety cannot be properly raised in an action brought to collect the amount directed to be paid by such person and unpaid by her. *Id.*

While the determination provided for by this title is denominated an order, it was a final determination of the matter, and in effect a judgment. *Id.*

See *Supreme Court, April 13, 1892, matter of Weaver v. Benjamin*, 45 St. Rep. 97; 18 N. Y. Supp. 631; *Supreme Court, June 23, 1888, Herendeen v. DeWitt*, 17 St. Rep. 298; 49 Hun, 55; 1 N. Y. Supp. 469.

§ 919. Costs, by whom to be paid, and how enforced.—The costs and expenses of the application must be ascertained by the court, and paid by the relatives against whom the order is made; and the payment thereof, and obedience to the order of maintenance, and to any order for the payment of money, may be enforced by attachment.

§ 920. Action on the order on failure to comply therewith.—If a relative, required by an order or the court or a judge thereof, to relieve or maintain a poor person, neglect to do so in the manner approved by the officers mentioned in section nine hun-

dred and fourteen, and neglect to pay them weekly the sum prescribed by the court or a judge thereof, the officers may maintain an action against the relative, and recover therein the sum prescribed by the court or a judge thereof, for every week the order has been disobeyed, to the time of the recovery, with costs, for the use of the poor. If the order directs a relative to pay for the maintenance of an insane poor person in a state institution, and such relative refuses or neglects to pay the amount specified therein, an action may be brought by the treasurer of such institution in its corporate name to recover the amount due to such institution by virtue of such order. (*As amended by chapter 399 of the Laws of 1898.*)

The relative may provide for the support of the pauper at such place, and in such manner, as he shall deem proper, provided the place and manner are approved by the proper officers. *Supreme Court, June, 1873, Duel v. Lamb*, 1 T. & C. 66. It is not until he has neglected or refused to do this, that he is liable for the sum directed to be paid. *Id.*

The court of sessions has no authority to prescribe the place or manner of support. *Id.* Whatever power there is over that support is vested in the overseers or superintendents of the poor. *Id.*; *Supreme Court, January, 1854, Converse v. McArthur*, 17 Barb. 410.

If the pauper, of his own accord, leaves the supporting party who is ready and willing to take him back and support him upon the terms of the order, the duty of the supporting party is fully discharged. *Supreme Court, June, 1873, Duel v. Lamb*, 1 T. & C. 69; *Supreme Court, January, 1854, Converse v. McArthur*, 17 Barb. 410.

See *Supreme Court, June 23, 1888, Herendeen v. DeWitt*, 17 St. Rep. 298; 49 Hun, 55; 1 N. Y. Supp. 469.

§ 921. Proceedings against absconding parents, leaving children chargeable to public, etc.—When the father, or the mother being a widow or living separate from her husband, absconds from the children, or a husband from his wife, leaving any of them chargeable or likely to become chargeable upon the public, the officers mentioned in section nine hundred and fourteen may apply to any two justices of the peace or police justices in the county in which any real or personal property of the father, mother or husband is situated, for a warrant to seize the same. Upon due proof of the facts, the magistrate must issue his warrant, authorizing the officers so applying to take and seize the property of the person so absconding. Whenever any child shall be committed to an institution pursuant to any provision of law, any criminal court or magistrate may issue a warrant for the

arrest of the father of the child, and examine into his ability to maintain such child in whole or in part; and if satisfied that such father is able to contribute towards the support of the child, then such court or magistrate shall, by order require the weekly payment by such father of such sum and in such manner as shall be in said order directed, towards the maintenance of such child in such institution, which amount when paid shall be credited by the institution to the city, town or county against any sums due to it therefrom on account of the maintenance of the child. (*As amended by chapter 13 of the Laws of 1903.*)

In cases of a commitment of a child to an institution under the Penal Code, the magistrate is authorized to order the father to pay a sum for the child's support which is to be credited by the institution to the city, town or county against any sum due for maintenance. *Supreme Court, July 7, 1890, People ex rel. St. Magdalen School, etc., v. Dickson*, 32 St. Rep. 496; 57 Hun, 315; 10 N. Y. Supp. 605.

One of two overseers of the poor is authorized to institute and carry on proceedings for the seizure of property of one who has absconded, leaving his wife or child chargeable to the town. When only one overseer acts, the consent of the other will be presumed. *Supreme Court, May, 1839, Downing v. Rugar*, 21 Wend. 178.

§ 922. Seizure of their property; transfer thereof, when void.—The officers so applying may seize and take the property, wherever it may be found in the same county; and are vested with all the rights and title thereto, which the person absconding then had. The sale or transfer of any personal property, left in the county from which he absconded, made after the issuing of the warrant, whether in payment of an antecedent debt or for a new consideration, is absolutely void. The officers must immediately make an inventory of the property seized by them, and return it, together with their proceedings, to the next county court of the county where they reside, there to be filed. (*As amended by chapter 880 of the Laws of 1895.*)

§ 923. Warrant and seizure, when confirmed or discharged. Direction of the court thereon.—The court, upon inquiring into the circumstances of the case, may confirm or discharge the warrant and seizure; and if it be confirmed, must, from time to time, direct what part of the personal property must be sold, and how much of the proceeds of the sale, and of the rents and profits of the real property, if any, are to be applied toward the maintenance of the children or wife of the person absconding.

§ 924. Warrant, in what cases to be discharged.—If the party against whom the warrant issued, return and support the wife or children so abandoned, or give security satisfactory to any two justices of the peace, or police justices in the city, village or town, to the overseers of the poor of the town, or in the city of New York, to the commissioners of charities and corrections, that the wife or children so abandoned shall not be chargeable to the town or county, then the warrant must be discharged by an order of the magistrates, and the property taken by virtue thereof restored to the party.

§ 925. Sale of the property seized, and application of its proceeds.—The officers must sell at public auction the property ordered to be sold, and receive the rents and profits of the real property of the person absconding, and in those cities, villages or towns which are required to support their own poor, the officers charged therewith must apply the same to the support of the wife or children so abandoned; and for that purpose must draw on the county treasurer, or in the city of New York, upon the comptroller, for the proceeds as directed by special statutes. They must also account to the county court of the county, for all money so received by them, and for the application thereof from time to time, and may be compelled by that court to render that account at any time. (*As amended by chapter 880 of the Laws of 1895.*)

§ 926. Powers of superintendents of poor.—In those counties where all the poor are a charge upon the county, the superintendents of the poor are vested with the same powers, as are given by this title to the overseers of the poor of a town, in respect to compelling relatives to maintain poor persons, and in respect to the seizure of the property of a parent absconding and abandoning his family; and are entitled to the same remedies in their names, and must perform the duties required by this title, of overseers, and are subject to the same obligations and control.

This section gives to the superintendents of the poor of those counties in which all the poor are a county charge the powers given to the overseers of the towns by the preceding sections. *Supreme Court, April 13, 1892, Matter of Weaver v. Benjamin*, 45 St. Rep. 97; 18 N. Y. Supp. 631.

An application to compel relatives to maintain poor persons should be made by the county superintendent, where all the poor are a charge upon the county. *Supreme Court, July, 1887, Matter of Tillotson v. Smith*, 12 St. Rep. 332.

CARE OF AGED, DECREPIT AND FEEBLE-MINDED PERSONS.

AN ACT to provide for the care of aged, decrepit, and mentally enfeebled persons who are not insane.

Chapter 914. Laws of 1896.

Section 1. It shall be lawful for the state board of charities, within ten days after the passage of this act, to exercise supervision over all aged, decrepit and feeble-minded persons who are not proper subjects for care and treatment in a hospital for the insane, but who, on application by themselves, or by their relatives, or if without relatives, then by their friends or legal guardians, seek to obtain admission into any homes, retreats, or other asylums which may be authorized under the provisions of this act, to receive and administer to their necessities in a safe and humane manner.

§ 2. The state board of charities, in the exercise of such official supervision, is hereby empowered to license any home, retreat, or other asylum devoted to the sole purpose of keeping and caring for such aged, decrepit or mentally enfeebled persons whenever in the judgment of said board such home, retreat or asylum possesses the necessary equipment in officers and attendants, together with suitable domestic accommodations in all other respects, for the safe and humane maintenance of such patients. And the power of exercising supervision over such institutions by the state board of charities, and of visiting and inspecting them and their inmates at all times, shall be the same as now belongs to them in respect to the other institutions under their care.

§ 3. Any person not a minor may voluntarily enter such a licensed institution upon filing an application of his intention with the superintendent thereof, supported by the affidavits of two reputable physicians of the places of residence of such person, certifying to the fact that the said applicant, though aged, decrepit or mentally enfeebled, is not insane nor a proper subject for treatment in a hospital for the insane, and that he goes there with the consent of his relatives, friends, or legal guardians.

§ 4. In case such applicant be incompetent to act for himself, a similar application may be made in his behalf by any relative,

friend or legal guardian in whose charge; or by whose assistance he is maintained, and the superintendent of such institution is hereby authorized to receive him in like manner as above stated.

§ 5. Any patient upon application made to the state board of charities by him, or his friends or legal guardians, may be discharged from any such home, retreat or asylum, and placed in the care of his friends or other suitable place as the said board, in their judgment, may deem best.

PASTEUR INSTITUTE; OVERSEERS OF THE POOR MAY SEND PERSONS IN DANGER OF INFECTION WITH RABIES OR HYDROPHOBIA.

AN ACT to provide for a permanent establishment for the cure and prevention of hydrophobia.

Chapter 770, Laws of 1895.

Section 1. Patients sent to Pasteur Institute.—Overseers of the poor or other officers having charge of the dispensation of public charity in the several counties of this state may hereafter send to the Pasteur institute in the city of New York all persons duly certified by regular physicians to have been bitten by rabid animals or otherwise put in danger of infection with rabies. (*As amended by chapter 482 of the Laws of 1901.*)

§ 2. Transportation, cost of.—The transportation of such persons, with necessary attendant or attendants, to and from the city of New York, shall be a charge upon the counties in which they reside. The sustenance, nursing and preventive treatment of such persons, for the time adjudged necessary, shall be provided by the Pasteur institute of the city of New York.

§ 3. Charges, how paid.—The charges for the services of the Pasteur institute of the city of New York shall be paid as is provided for the several poor persons by section forty-two of chapter two hundred and twenty-five of the Laws of eighteen hundred and ninety-six, at a rate not exceeding one hundred dollars a patient. (*As amended by chapter 482 of the Laws of 1901.*)

§ 4. Institute open to inspection.—The Pasteur institute of the city of New York shall be at all times open to the inspection

of the Governor and of the State Board of Health or of the accredited representative of either, and shall annually, on or before the fifteenth of January of each year make its report to the Legislature.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

CARE OF INDIGENT AND PAUPER CHILDREN.

AN ACT to revise and consolidate the statutes of the state relating to the custody and care of indigent and pauper children by orphan asylums and other charitable institutions.

Chapter 438, Laws of 1884.

Section 1. Guardianship of indigent children may be committed to any incorporated orphan asylum.—The guardianship of the person and the custody of any indigent child may be committed to any incorporated orphan asylum or other institution incorporated for the care of orphan, friendless or destitute children, by an instrument in writing signed by the parents of such child, if both such parents shall then be living, or by the surviving parent, if either parent of such child be dead, or if either one of such parents shall have, for the period of six months then next preceding, abandoned such child, by the other of such parents, or if the father of such child shall have neglected to provide for his family during the six months then next preceding, or if such child be a bastard, by the mother of such child; or if both parents of such child shall then be dead, by the guardian of the person of such child, legally appointed, with the approval of the court or officer which appointed such guardian to be entered of record; or if both parents of such child shall then be dead and no legal guardian of the person of such child shall have been appointed, and no guardian of such child shall have been appointed by a last will and testament, or by a deed by either parent thereof, or if the parents of such child shall have abandoned such child for the period of six months then next preceding, by the mayor of the city or by the county judge of the county in which such asylum or such other institution shall be located, upon such terms, for such time, and

subject to such conditions as may be agreed upon by the parties to such written instrument. And such written instrument may provide for the absolute surrender of such child to such corporation. But no such corporation shall draw or receive money from public funds for the support of any such child committed under the provisions of this section, unless it shall have been determined by a court of competent jurisdiction that such child has no relative, parent or guardian living, or that such relative, parent or guardian, if living, is destitute and actually unable to contribute to the support of such child.

CHARITABLE CORPORATION—NOT LIABLE FOR INJURY TO INMATE.—"A corporation incorporated under chapter 319 of the Laws of 1848, as amended by chapter 446 of the Laws of 1883, 'to maintain and support an industrial school and asylum for the sustenance and education of male orphan children,' which is conducted by the Christian Brothers without compensation, and which is largely supported by charity, although it receives from the various counties of the State a certain weekly sum for the support of the boys committed to it by the magistrates and other correctional officers of the county pursuant to section 713 of the Penal Code, and also a small sum for the sale of surplus farm products and manufactured articles, is a charitable and benevolent corporation and is not liable to a boy committed to it by a police magistrate for injuries sustained by him while operating a machine in the laundry of the institution in consequence of the negligence of the foreman of the laundry in failing to instruct him concerning the operation of the machine and to warn him of the dangers incident thereto. The rule of *respondeat superior* does not apply to the case.

"*Seem*, that, as to such an inmate, the institution acts as one of the governmental agencies of the State, and is, therefore, not liable for negligence."

In re action by James Corbett, minor, by Michael J. Corbett, guardian, to recover damages from St. Vincent's Industrial School, Utica, for injuries sustained by plaintiff while assisting in operating a mangle. Supreme Court, January, 1902, Corbett v. St. Vincent's Industrial School of Utica (79 App. Div. 334), reversing judgment of Supreme Court in favor of plaintiff.)

§ 2. Children not to be sent to county poorhouses, etc.—It shall not be lawful for any county superintendent or overseer of the poor, board of charity or other officer, to send any child between the ages of two and sixteen years, as a pauper, to any county poorhouse or almshouse for support and care, or to detain any child between the ages of two and sixteen years in such poorhouse or almshouse; but such county superintendents, overseers of the poor, boards of charities or other officers shall provide for such child or children, in families, orphan asylums, hospitals, or other appropriate institutions, as pro-

vided by law. The boards of supervisors of the several counties of the state are hereby directed to take such action in the matter as may be necessary to carry out the provisions of this section. When any such child shall be so provided for or placed in any orphan asylum or such other institution, such child shall, when practicable, be so provided for or placed in such asylum or such other institution as shall then be controlled by persons of the same religious faith as the parents of such child.

§ 3. Record to be kept by all institutions for reception of minors, etc.—All institutions, public or private, incorporated or not incorporated, for the reception of minors, whether as orphan or as pauper, indigent, destitute, vagrant, disorderly or delinquent persons, are hereby required to provide and keep a record in which shall be entered the date of reception, and the names and places of birth and residence, as nearly as the same can reasonably be ascertained, of all children admitted in such institutions, and how and by whom and for what cause such children shall be placed therein, and the names, residence, birthplace and religious denomination of the parents of such children so admitted, as nearly as the same can be reasonably ascertained; and whenever any such child shall leave such institution, the proper entry shall be made in such record, showing in what manner such child shall have been disposed of, and if apprenticed to or adopted by any person or family, or otherwise placed out at service or on trial, the name and place of residence of the person or head of the family to or with whom such child shall have been so apprenticed, adopted or otherwise placed out. The supreme court may, upon application by a parent, relative or legal guardian of such child, after due notice to the institution and hearing had thereon, by order direct the officers of such institution to furnish such parent, relative or legal guardian with such extracts from such record relating to such child as such court may deem proper. Nothing in this section shall be construed to prevent visitation by relatives and friends in accordance with the established rules of such institutions. *(As amended by chapter 54 of the Laws of 1894.)*

§ 4. Removal of children from one institution to another, etc.—While any child which shall have been placed in such asylum, or other institution, as a pauper, in pursuance of the second

section of this act, shall remain therein at the expense of the county or town to which such pauper child is chargeable, the superintendents of the poor of such county, or the overseer of the poor of such town, may, in their discretion, remove such child from such asylum or other institution and place such child in some other such institution or make such other disposition of such child as shall then be provided by law. The name of no child shall be changed while in such institution as in this section aforesaid. But no parent of such pauper child, so in such asylum or other institution as in this section aforesaid, shall be entitled to the custody thereof except in pursuance of a judgment or order of a court or judicial officer of competent jurisdiction, adjudging or determining that the interests of such child will be promoted thereby, and that such parent is fit, competent and able to duly maintain, support and educate such child.

§ 5. Children may be bound out as apprentices, servants, etc.—Any corporation specified in the first section of this act may bind out any indigent or pauper child, if a male, for a period which shall not be beyond his twenty-first year, and if a female, for a period which shall not be beyond her eighteenth year, which shall have been absolutely surrendered to the care and custody of such corporation in pursuance of the provisions of the first section of this act, or which shall have been placed therein as a pauper in pursuance of the provisions of the second section of this act, or which shall have been left to the care of such corporation with no provision by the parent, relative or legal guardian of such child, for its support for a period of one year then next preceding, to be a clerk, apprentice or servant. (*Balance of section repealed. See Domestic Relations Law, chapter 272 of the Laws of 1896.*)

§ 7. Children may be placed by adoption with suitable persons.—Any child which a corporation specified in the first section of this act is, by the fifth section of this act, authorized to bind out may be placed by such corporation, by adoption. (*Balance of section repealed. See Domestic Relations Law, chapter 272 of the Laws of 1896.*)

THE INSANITY LAW.

AN ACT in relation to the insane, constituting chapter twenty-eight of the general laws.

Chapter 545, Laws of 1896, as amended by Chapters 260 of the Laws of 1899; 380, 634 and 676, Laws of 1900; 137 and 546, Laws of 1901; 26, 130, 391 and 599, Laws of 1902; 146 and 221, Laws of 1903; 326, 330, 428, 525 and 714, Laws of 1904; 490 and 497 of the Laws of 1905; and 107, 284 and 296, Laws of 1906.

- Article I. State commission in lunacy. (§§ 1-18.)
- II. Institutions for the care, treatment and custody of the insane. (§§ 30-54.)
- III. Commitment, care and discharge of the insane. (§§ 60-78.)
- IV. Matteawan State Hospital for insane criminals. (§§ 90-104.)
- V. Laws repealed, when to take effect. (§§ 110-111.)

ARTICLE I.

STATE COMMISSION IN LUNACY.

- Section 1. Short title.
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 15. Commission to provide for the prospective wants of the insane.
 16. Director of the pathological institute.
 17. Hospital attorneys.
 18. Board of alienists for examination of insane, idiotic, imbecile and epileptic immigrants; powers and duties.

Section 1. Short title.—This chapter shall be known as the insanity law.

§ 2. Definitions.—When used in this chapter, the term poor person means a person who is unable to maintain himself and having no one legally liable and able to maintain him; the term, an indigent person, means one who has not sufficient property to support himself while insane, and the members of his family lawfully dependent upon him for support; the term institution means any hospital, asylum, building, buildings, house or retreat, authorized by law to have the care, treatment or custody of the insane; the term commission means the state commission in lunacy; the term patient means an insane person committed to an institution according to the provisions of this chapter.

§ 3. Appointment, qualifications, terms of office and salaries of commissioners.—There shall continue to be a state commission in lunacy, consisting of three commissioners, all of whom shall be citizens of this state. One of them, who shall be president of the commission, shall be a reputable physician, a graduate of an incorporated medical college of at least ten years' experience in the actual practice of his profession, who has had five years' actual experience in the care and treatment of the insane, and who has had experience in the management of institutions for the insane. One of such commissioners shall be a reputable attorney and counsellor-at-law of the courts of this state of not less than ten years' standing. The third commissioner shall be a reputable citizen. The president of the commission shall receive an annual salary of seven thousand five hundred dollars, and

twelve hundred dollars in lieu of his traveling and incidental expenses, payable monthly. Each of the other commissioners shall receive an annual salary of five thousand dollars, and twelve hundred dollars, in lieu of his traveling and incidental expenses, payable monthly. The president of the commission shall hold office during good behavior and shall be removable by the governor only for cause, stated in writing, after an opportunity has been given him to be heard thereon. A commissioner, other than the president, may be removed by the governor for cause, stated in writing, after an opportunity has been given him to be heard thereon. The full term of office of a commissioner other than the president shall be six years. When the term of office of a commissioner other than the president expires at a time other than the last day of December, the term of office of his successor is abridged so as to expire on the last day of December preceding the time when such term would otherwise expire, and the term of office of each such commissioner thereafter appointed shall begin on the first day of January. The commissioners shall be appointed by the governor, by and with the advice and consent of the senate. (*As amended by chapter 137 of the Laws of 1901, chapter 330 of the Laws of 1904, and chapter 490 of the Laws of 1905.*)

§ 4. Office and clerical force of commission; medical inspector.

—The commission shall be provided by the proper authorities with a suitably furnished office in the state capitol, where it shall hold stated meetings, at least once in three months. It may hold other meetings, at such office or elsewhere, as it may deem necessary. It may employ a secretary, a stenographer and such other employes as may be necessary. The salaries and reasonable expenses of the commission and of the necessary clerical assistants shall be paid by the treasurer of the state on the warrant of the comptroller, out of any moneys appropriated for the support of the insane. The commission in lunacy may also appoint a medical inspector, who shall be a well educated physician, a graduate of an incorporated medical college, and who shall have had actual experience in an institution for the care and treatment of the insane. Such inspector shall receive an annual salary to be fixed by the commission subject to the approval in writing of the governor and the action of the legislature,

not to exceed five thousand dollars, and all his actual and necessary traveling expenses incurred by him in the performance of his duties, which shall be audited and paid in the same manner as the other expenses of the commission. He shall, subject to the direction of the commission, visit and inspect the several state hospitals and other institutions for the insane which are subject to the supervision, visitation and inspection of the commission. He shall, subject to the direction of the commission, make an examination, so far as circumstances may permit, of the patients confined in such hospitals and institutions, especially those admitted thereto since his preceding visit, giving such as may request it suitable opportunity to converse with him apart from the officers and attendants. He shall perform such other duties as may be prescribed and directed by the commission. (*As amended by chapter 221 of the Laws of 1903, and chapter 490 of the Laws of 1905.*)

§ 5. Official seal and execution of papers.—The commission shall have an official seal. Every process, order or other paper issued or executed by the commission, may, by the direction of the commission, be attested, under its seal, by its secretary or by any member of the commission, and when so attested shall be deemed to be duly executed by the commission.

§ 6. General powers.—The commission is charged with the execution of the laws relating to the custody, care and treatment of the insane, as provided in this act not including feeble-minded persons and epileptics as such and idiots. They shall examine all institutions, public and private, authorized by law to receive and care for the insane, and inquire into their methods of government and the management of all such persons therein. They shall examine into the condition of all buildings, grounds and other property connected with any such institution, and into all matters relating to its management. For such purpose each commissioner shall have free access to the grounds, buildings and all books and papers relating to any such institution. All persons connected with any such institution shall give such information, and afford such facilities for any such examination or inquiry as the commissioners may require. The commission may, by order, appoint a competent person to examine the books, papers and accounts, and also into the general condition and management of

any institution to the extent deemed necessary and specified in the order. The commission may endeavor to secure legislation from congress to provide more effectually for the removal of alien and nonresident insane and may expend a reasonable sum therefor from the moneys appropriated for the use of the hospitals. The commission may permit any religious or missionary corporation or society to erect a building on the grounds of any state hospital, for the holding of religious services, to be used exclusively for the benefit of the inmates and employees of the state hospital, subject to such conditions as may be imposed by the commission. (*As amended by chapter 380 of the Laws of 1900, and chapter 107 of the Laws of 1906.*)

§ 6-a. General powers as to state hospitals.—The commission shall, subject to the powers hereinafter granted to boards of managers:

1. Have the general oversight of the state hospitals, and the control of all the property thereof, and shall see that the purposes of such hospitals are carried into effect by the boards of managers according to law. (*Added by chapter 26 of the Laws of 1902, and amended by chapter 490 of the Laws of 1905.*)

§ 7. Official visits.—The commission, or a majority thereof, shall visit every such state hospital jointly or by a majority of the commission and every such private institution by one member of the commission at least twice in each calendar year. Such visits shall be made on such days and at such hours of the day or night, and for such length of time, as the visiting commissioner may choose. But each commissioner may make such other visits as he or the commission may deem necessary. Each visit shall include, to the fullest extent deemed necessary, an inspection of every part of each institution, and all the out-houses, places, buildings and grounds belonging thereto or used in connection therewith. The commissioners shall, from time to time, make an examination of all the records and methods of administration, the general and special dietary, the stores and methods of supply, and, as far as circumstances may permit, of every patient confined therein, especially those admitted since the preceding visit, giving such as may require it suitable opportunity to converse with the commissioners apart from the officers and attendants. They shall, as far as they deem necessary, ex-

amine the officers, attendants and other employes, and make such inquiries as will determine their fitness for their respective duties. At the next regular or special meeting of the commission, after any such visit, the visiting commissioners shall report the result thereof, with such recommendations for the better management or improvement of any such institution, as they may deem necessary. But such recommendations shall not be contrary to the doctrines of the particular school of medicine adopted by such institutions. The commissioners shall, at least once each year, at a time to be appointed by the commission, meet the managers of such institutions, or as many of the number as practicable, in conference, and consider, in detail, all questions of management and improvement of the institution, and they or one or more of them with the managers shall inspect the institution or such parts thereof as they may deem necessary and shall also send to the managers, in writing, if approved by a majority of the commissioners, such recommendations in regard to the management and improvement of the institution as they may deem necessary or desirable. (*As amended by chapter 380 of the Laws of 1900, and chapter 490 of the Laws of 1905.*)

§ 7-a. Visitation and inspection of certain institutions.—Any member of the commission or the medical inspector may visit any sanitarium or other institution, wherein sick or infirm persons are received, cared for or treated, for compensation or hire, for the purpose of ascertaining whether insane persons are confined therein without authority, and contrary to the provisions of law. All persons having charge of, and connected with, any such sanitarium or institution shall permit any member of the commission and the medical inspector to have free access to any portion thereof, and shall give such information and afford such facilities for inspection or inquiry, as the member of the commission, or the medical inspector, making such visit and inspection, may require. (*Added by chapter 497 of the Laws of 1905.*)

§ 8. Regulations and forms.—The commission shall make such regulations in regard to the correspondence of the insane in custody as in its judgment will promote their interests, and it shall be the duty of the proper authorities of each institution to comply with and enforce such rules and regulations. by All such insane

shall be allowed to correspond without restriction with the county judge and district attorney of the county from which they were committed. The books of record and blank forms for the official use of the hospitals shall be uniform, and shall be approved by the commission.

§ 9. Annual report.—The commission shall, annually, report to the legislature its acts and proceedings for the year ending September thirtieth last preceding, with such facts in regard to the management of the institutions for the insane as it may deem necessary for the information of the legislature, including estimates of the amounts required for the use of the state hospitals and the reasons therefor; and also the annual reports made to the commission by the board of managers, of each state hospital and by the state charities aid association. The commission shall determine from time to time the capacity of each of the state hospitals and shall incorporate a statement of such capacity in its annual report to the legislature. (*As amended by chapter 380 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 10. State hospital districts; how defined.—The state commission in lunacy shall divide the state into as many state hospital districts as there are state hospitals. No county shall be divided in such classification, unless more than one of the existing state hospitals be situated within such county. Whenever the commission shall deem it necessary to more conveniently care for the insane in the various hospitals, it may change the limits of such hospital districts. When a new state hospital shall be established it shall again divide the state into hospital districts. Before any change or reestablishment of hospital districts shall be made, the board of managers of each hospital to be affected thereby shall be notified by the commission that they may be heard in regard thereto, at a time and place to be specified in said notice. Such hospital districts shall be so defined that the number of patients in each district shall be in proportion, as nearly as practicable, to the accommodations which are or may be provided by the state hospital or hospitals within such district. The commission may provide for the commitment of patients from any part of the city of New York to any state hospital located in the city of New York, or to the Kings park state hospital, or to the Central Islip

state hospital. (*As amended by chapter 634 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 11. Change of hospital districts and reassignment of patients.—When a change or reestablishment of state hospital districts shall be made, or a new state hospital district created, the commission shall make a report thereof, designating the counties included within each district affected thereby, and file the same with the secretary of state, and send a copy to the managers and superintendent of each state hospital affected by such change, and to each judge of a court of record, each county superintendent of the poor, and each county clerk in the state, affected by such change, to be filed in his office. (*As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 12. Record of medical examiners.—Any physician who receives a certificate as a medical examiner in lunacy shall file such original certificate in the office of the clerk of the county where he resides, and forward a certified copy thereof to the office of the commission within ten days after such certificate is granted. The commission shall keep in its office a record showing the name, residence and certificate of each duly qualified medical examiner, and shall immediately file in its office, when received, each duly certified copy of a medical examiner's certificate, and advise the examiner of its receipt and filing. No examiner shall be qualified until he has received from the commission an acknowledgment of the receipt and filing of his certificate.

§ 13. Record of patients.—The commission shall keep in its office, and accessible only to the commissioners, their secretary and clerk, except by the consent of the commission or one of its members, or an order of a judge of a court of record, a record showing:

1. The name, residence, sex, age, nativity, occupation, civil condition and date of commitment of every patient in custody in the several institutions for the care and treatment of insane persons in the state, and the name and residence of the person making the petition for commitment, and of the persons signing such medical certificate, and of the judge making the order of commitment.

2. The name of the institution where each patient is confined, the date of admission, and whether brought from home or another institution, and if from another institution, the name of such institution, by whom brought, and the patient's condition.

3. The date of the discharge of each patient from such institution since the fifteenth day of May, eighteen hundred and eighty-nine, and whether recovered, improved or unimproved, and to whose care committed.

4. If transferred, for what cause, and to what institution; and if dead, the date and cause of death.

§ 14. Institutions to furnish information to commission.—The authorities of the several institutions for the insane shall furnish to the commission the facts mentioned in the last preceding section, and such other obtainable facts relating thereto as the commission may, from time to time, in the just and reasonable discharge of its duties, require of them, with the opinion of the superintendent thereon, if requested. The superintendent or person in charge of such institutions, whether public or private, must, within ten days after the admission of an insane person thereto, cause a true copy of the medical certificate and order on which such person shall have been received, to be made and forwarded to the office of the commission; and when a patient shall be discharged, transferred or shall die therein, such superintendent or person in charge shall, within three days thereafter, send the information to the office of the commission, in accordance with the forms prescribed by it.

§ 15. Commission to provide for the prospective wants of the insane.—The commission shall provide sufficient accommodations for the prospective wants of the poor and indigent insane of the state. To prevent overcrowding in the state hospitals, it shall recommend to the legislature the establishment of other state hospitals, in such parts of the state as in its judgment will best meet the requirements of such insane. It shall also furnish to the legislature in each year, an estimate of the probable number of patients who will become inmates of the respective state hospitals during the year beginning October first next ensuing, and the cost of all the additional buildings and equipments, if any, which will be required to carry out the provisions of this chapter relating to the

care, custody and treatment of the poor and indigent insane of the state. No money shall be expended for the erection of additional buildings, or for unusual repairs or improvements of state hospitals, except upon plans and specifications to be approved by the commission and the governor. The cost of such buildings as are to be occupied by patients erected on the grounds of existing state hospitals, including the necessary equipment for heating, lighting, ventilating, fixtures and furniture, shall in no case exceed the proportion of five hundred and fifty dollars per capita for the patients to be accommodated therein; except that for buildings specially designed and equipped for the active medical and general care and treatment of insane patients of the acute and curable class, the cost shall not exceed the proportion of one thousand dollars per capita for the patients to be accommodated therein. No municipality of the state shall have the power to modify or change plans or specifications for the erection, repair or improvement of state hospital buildings or the plumbing or sewerage connected therewith. The commission may secure a blanket policy of insurance covering any or all of the buildings, property or fixtures of the state hospitals. (*As amended by chapters 380 and 634 of the Laws of 1900, chapter 26 of the Laws of 1902, chapter 490 of the Laws of 1905, and chapter 284 of the Laws of 1906.*)

§ 16. Director of pathological institute.—The commission shall, after a special civil service examination therefor, appoint a director of the pathological institute, who shall perform, under the direction of the commission, such duties relating to pathological research as may be required for all of the state hospitals for the insane. His office and laboratory shall be in the city of New York. He shall receive an annual salary to be fixed by the commission, subject to the approval of the governor. The state hospitals shall co-operate with the pathological institute in such manner as the commission may from time to time direct. (*As amended by chapter 490 of the Laws of 1905.*)

§ 17. Hospital attorneys.—The commission shall appoint an attorney for each state hospital outside the city of New York and the county of Suffolk, and one attorney who shall act as such for the Manhattan state hospital, and the Central Islip state hospital, and one attorney who shall act as such for the Long Island state hospital, and the Kings Park state hospital.

Each such attorney shall conduct all of the legal business required to be done for or on account of the hospital or hospitals, for which he is appointed, at a stated sum to be fixed by the commission, and which shall be charged upon the maintenance account, and paid in the same manner as other expenses of the hospital. (*Added by chapter 830 of the Laws of 1900, and amended by chapter 490 of the Laws of 1905.*)

§ 18. Board of alienists for examination of insane, idiotic, imbecile and epileptic immigrants, alien and nonresident insane; power and duties.—A board of alienists for the examination of insane, idiotic, imbecile and epileptic immigrants, alien and nonresident insane is hereby established. Such board shall consist of three examiners to be appointed by the commission in lunacy, one of whom shall be designated by the commission as chief examiner. Each examiner shall be a reputable physician, a graduate of an incorporated medical college, of at least ten years' actual experience in the practice of his profession, and of at least five years' experience in the care and treatment of the committed insane in the New York state hospitals. Each examiner shall receive an annual salary of five thousand dollars, to be paid in the same manner as the salaries of the assistants and clerks of the commission in lunacy. The members of such board shall hold office during good behavior, and be removable by the commission for cause, after an opportunity to be heard has been given. Each of such examiners shall devote his entire time to the performance of the duties of the board and while engaged therein shall reside at the port of New York. The commission in lunacy shall endeavor to arrange for the proper accommodation of such board with the proper authorities of the United States having control of the inspection and examination of immigrants at the port of New York and for official recognition of such board for carrying out the purposes of this section. Arrangements may be made by the commission in lunacy for suitable offices in the city of New York for the accommodation of such board, and the employment of such other persons as may be deemed necessary by them for the proper carrying into effect of the provisions and intent of this section. Such board shall inspect and examine immigrants coming into this country at the port of New York for the purpose of ascertaining whether any of them be insane, idiotic, imbecile or epileptic, and all alien and nonresident insane in the

state hospitals and public institutions who are or who become public charges, for the purpose of determining whether they are suitable cases for deportation or removal. The superintendents of such hospitals and public institutions shall notify such board of all such cases coming under their jurisdiction and furnish all aid and information possible to accomplish the deportation and removal of such aliens and nonresidents. The board shall notify the proper authorities of the United States having control of the enforcement of the immigration laws at such port of such immigrants as are found to be insane, idiotic, imbecile, or epileptic, and such insane aliens as are or become public charges and shall arrange for their deportation in accordance with the provisions of such laws. And in the case of nonresidents they shall notify the state commission in lunacy of the location of the same and in all suitable cases the commission shall grant the board the necessary authority for the investigation and removal of such non-resident insane. The duties hereby imposed upon such board shall be performed under the supervision of the commission in lunacy, and in accordance with rules adopted by it. The commission may impose such other duties on such board as it may deem necessary and proper for carrying out the general purposes and intent of this section. Each of the members of such board shall be empowered to administer an oath when necessary to persons giving information relative to cases under investigation. *(Added by chapter 326 of the Laws of 1904, and amended by chapter 296 of the Laws of 1906.)*

ARTICLE II.

INSTITUTIONS FOR THE CARE, TREATMENT AND CUSTODY OF THE INSANE.

Section 30. State hospitals for the poor and indigent insane.

31. Managers of state hospitals and their terms of office.

32. Appointment and removal of managers.

33. General powers and duties of boards of managers.

34. Officers.

35. General powers and duties of superintendent.

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51. Manhattan State Hospital; docks, ferry-boats and removal of dead bodies.
52. Acquisition of property for use of state hospitals by condemnation and otherwise.
53. Erection, repairs and improvements of state hospital buildings.
54. Streets and railroads through hospital lands.

Section 30. State hospitals for the poor and indigent insane.— There shall continue to be the following hospitals for the care and treatment of the poor and indigent insane of the state which are hereby declared to be corporations; but other insane persons, who are residents of the state, may be admitted when there is room therein for them:

1. Utica state hospital, in the city of Utica, in the county of Oneida.
2. Willard state hospital, in the town of Ovid, in the county of Seneca.

3. Hudson river state hospital, near the city of Poughkeepsie, in the county of Dutchess.

4. Buffalo state hospital, in the city of Buffalo, in the county of Erie.

5. Middletown state homeopathic hospital, in the city of Middletown, in the county of Orange.

6. Binghamton state hospital, in the city of Binghamton, in the county of Broome.

7. Rochester state hospital, in the city of Rochester, in the county of Monroe.

8. Saint Lawrence state hospital, in the city of Ogdensburg, in the county of Saint Lawrence.

9. Gowanda state homeopathic hospital in the town of Collins in the county of Erie.

10. Long Island state hospital, at Flatbush, in the borough of Brooklyn, in the city of New York.

11. Manhattan state hospital, on Ward's island, in the city of New York.

12. Kings Park state hospital, at Kings Park, in the county of Suffolk.

13. Central Islip state hospital, at Central Islip, in the county of Suffolk. (*As amended by chapter 490 of the Laws of 1905.*)

§ 31. Managers of state hospitals and their terms of office.— Each state hospital shall be under the control and management of a board of managers, subject to the statutory powers of the commission. On or after the first of April nineteen hundred and five the governor shall appoint a board consisting of seven members, of whom not less than two shall be women, for each state hospital. He shall so arrange their terms of office of one, two, three, four, five, six and seven years that a term shall expire on the thirty-first day of December in each year, beginning with the year nineteen hundred and five. After the expiration of such terms managers shall be appointed for terms of seven years. If a vacancy occur otherwise than by expiration of term, the appointment of a manager to fill such vacancy shall be for the unexpired term of the manager whose office became vacant. (*As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 32. Appointment and removal of managers.—The members of the boards of managers shall be appointed by the governor, by and with the advice and consent of the senate, as often as a vacancy shall occur by expiration of term, or otherwise; and they may severally continue in office until their successors are appointed and have qualified; and they shall be subject to removal by the governor after having been notified in writing of the reasons for the proposed removal, and having been given an opportunity to be heard. All managers shall reside in the hospital district in which the hospital is situated for which they are respectively appointed. At least a majority of the managers of the Central Islip state hospital, and of the Kings Park state hospital, shall be residents of the city of New York. No person shall be eligible to the office of manager who is either an elective state officer or a member of the legislature, and if any such manager shall become a member of the legislature or an elective state officer, his office as manager shall thereupon be vacant. The managers of the Middletown state homeopathic hospital and of the Gowanda state homeopathic hospital may be appointed from any portion of the state, and shall be adherents of homeopathy. If any manager fails for a period of six months to attend the regular meetings of the board of which he is a member, the secretary of the board shall notify the governor of such absence, with any explanation thereof which may be submitted by such manager, and unless the governor shall, within thirty days thereafter, notify the secretary that he has excused such manager for such absence, the office of such manager shall thereupon be deemed to be vacant; and if any manager fails for one year to attend such regular meetings, his office shall become vacant. When any such vacancy shall occur, the board by resolution shall so declare, and a certified copy of such resolution shall forthwith be transmitted by the board to the commission and to the governor. In the month of January of each year the secretary of the board of managers shall transmit to the governor a statement showing the record of attendance of each manager at meetings of the board, the number and dates of visits to the hospital, with a statement of any other work for the hospital, performed by such manager, which such manager may request to have transmitted to the governor. *(As amended by*

chapter 481 of the Laws of 1899, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.)

§ 33. General powers and duties of boards of managers.—Subject to the statutory powers of the commission, boards of managers shall have the general direction and control of all the property and internal affairs of the institutions for which they are respectively appointed, except as otherwise provided by law. A committee consisting of one member of each board of managers, or other representative designated by such board, shall establish by-laws, rules and regulations governing the appointment and duties of officers and employes of all the state hospitals, and for the internal government, discipline and management of the same, subject to the approval of the commission. Such by-laws, rules and regulations shall be uniform for all the state hospitals, and shall not be inconsistent with the provisions of this act nor with the provisions of the civil service law and the rules and regulations established thereunder. The by-laws, rules and regulations established by the state commission in lunacy and in force on the first day of April, nineteen hundred and five, shall continue in force except as they may hereafter be modified, amended or repealed as provided by this act. The managers shall not receive any compensation for their services, but shall receive actual and necessary traveling and other expenses, to be paid after audit as other current expenditures of the hospital. Each board shall, in October of each year, elect from among its members a president and a secretary. The superintendent shall personally submit at each monthly meeting of the board of managers a report showing changes in population, health of patients, officers and employes; accidents, suicides, unusual sickness, infectious diseases; important occurrences relating to the welfare of the patients and to the management and discipline of the employes, and such other matters as the board may specify. Each board shall:

1. Take care of the general interests of the hospital and see that its design is carried into effect, according to law, and the by-laws, rules and regulations, made as above provided.

2. Maintain an effective inspection of the hospital, for which purpose the board, or a majority of its members, shall visit and inspect the hospital at least once each month. Each board shall

make a written report to the commission and to the governor within ten days after each inspection, such report to be signed by each member making the inspection. Such reports shall state in detail the condition of the hospital and of its inmates, and such other matters pertaining to the management and affairs thereof as in the opinion of the board should be brought to the attention of the commission or the governor, and may contain recommendations as to needed improvements in the hospital or in its management.

3. Keep in a book provided for that purpose, a fair and full record of their doings, which shall be open at all times to the inspection of the governor of the state, the commissioners in lunacy, or any person appointed by the governor, the commission in lunacy, or either house of the legislature to examine the same.

4. Hold regular meetings at least once each month, and cause to be typewritten within ten days after each such meeting, the minutes and proceedings of such meeting, and cause a copy thereof to be sent forthwith to each member of such board, to the commission, and to the governor.

5. Enter in a book, kept at the hospital for that purpose, the date of each visit of each manager.

6. Make to the commission, in October of each year, a detailed report of the results of their visits and inspection, with suitable suggestions and such other matters as may be required of them by the commission, for the year ending on the thirtieth day of September preceding the date of such report. Such report shall be prepared by a committee of the board, subject to the approval of the board.

7. Investigate, hear and determine the truth of all charges made against the superintendent or other officer or employe of a hospital, issue subpoenas and take and hear testimony in respect to such charges. A witness attending before such board shall be entitled to the same fees as a witness attending before a court of record or a judge thereof, which shall be paid as other hospital charges. The resident officers shall admit such managers into every part of the hospital and its buildings, and exhibit to them on demand all the books, papers, accounts and writings belonging to the hospital, or pertaining to its business, management,

discipline or government, and furnish copies, abstracts and reports whenever required by them. (*As amended by chapter 380 of the Laws of 1900, chapter 26 of the Laws of 1902, and 490 of the Laws of 1905.*)

§ 34. Officers.—The commission in lunacy, pursuant to the civil service law and the rules and regulations of the state civil service commission, shall appoint, subject to the approval of the board of managers for each hospital, as often as a vacancy shall occur therein a superintendent. Whenever a vacancy shall occur in the office of superintendent of any state hospital the commission in lunacy, with the approval of the board of managers of such hospital, may transfer to such position the superintendent of any other state hospital, subject to the civil service law, and subject to the consent of the board of managers of such other state hospital. The superintendent shall be a well educated physician and a graduate of an incorporated medical college, of at least five years' actual experience in an institution for the care and treatment of the insane. The superintendents and all assistant physicians of homeopathic hospitals for the insane shall be homeopathic physicians, but such homeopathic physicians shall not be eligible to appointment in or transfer to state hospitals that are not for homeopathic treatment. Each superintendent shall be the treasurer of the state hospital for which he is appointed, unless the commission shall designate a person to act as treasurer as hereinafter provided, and before entering upon his duties as such treasurer shall file with the comptroller of the state his undertaking to the people in an amount and with sureties to be approved by the state comptroller to the effect that he will faithfully perform his trust as such treasurer. The superintendent may be removed by a vote of a majority of the board of managers for cause stated in writing, and after an opportunity has been given him to be heard thereon, and such action, when approved by the commission, shall be final. Pending the investigation of any charges against a superintendent, and the decision thereon, the board of managers may suspend such superintendent. The commission may prefer charges of misconduct or incompetency against any superintendent to the board of managers of the hospital of which he is superintendent, and the board shall thereupon investigate the truth of such charges. On the first day of

April, nineteen hundred and two, the office of treasurer in each of the state hospitals shall be abolished, and their powers and duties may be conferred upon the superintendent, or the commission may designate a person in its office to act as treasurer for all the hospitals, who shall have the powers, and perform the duties of treasurer as to such hospital, as prescribed in this chapter, and shall perform such other duties as the commission may impose. The person so designated, before entering upon the performance of his duties as such treasurer, shall file with the comptroller his undertaking in an amount and with sureties to be approved by him, to the effect that he will faithfully perform his trust as such treasurer. A superintendent or a steward in office on the first day of April, nineteen hundred and five, shall be continued in office until removed, pursuant to law, notwithstanding the change hereby made in the manner of his appointment. (*As amended by chapter 676 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 35. General powers and duties of superintendent.—The superintendent of each hospital shall be its chief executive officer, and in his absence or sickness, the first assistant physician or other officer designated by the superintendent shall perform the duties, exercise the powers and be subject to the responsibilities of the superintendent. Subject to the by-laws and regulations established by the commission and the managers under the provisions of section thirty-three of this act, the superintendent shall have general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock, and the direction and control of all persons therein, and subject to such by-laws and regulations shall:

1. Personally maintain an effective supervision and inspection of all parts of the hospital and generally direct the care and treatment of the patients. To this end the superintendent shall personally examine the condition of each patient, within five days after his admission to the hospital, and shall regularly visit all of the wards or apartments for patients at such times as the rules and regulations of the hospital shall prescribe.

2. Appoint such resident officers including a woman physician, and such employes as he may think proper and necessary for the economical and efficient performance of the business of the hos-

pital and prescribe their duties and, for cause stated in writing, after an opportunity to be heard, discharge any of such employes in his discretion, but an appointment of a steward by such superintendent shall be approved by the commission before taking effect, and such steward shall not be removed without the consent in writing of the commission. The number of such resident officers and employes shall be determined from time to time by the commission. The commission may, with the approval of the governor, abolish the office of any of such resident officers or employes. The superintendent may remove any resident officer, for cause stated in writing, after an opportunity to be heard, and such action shall be final. Upon any such removal he shall make a record thereof, with the reasons therefor, under the appropriate head in one of the books of the hospital.

The superintendent, assistant physicians, including the woman physician, steward and matron shall constantly reside in the hospital, or on the premises, except as provided in section thirty-eight of this act, and shall be designated the resident officers of the hospital. The assistant physicians, including the woman physician, shall be graduates of an incorporated medical college, and shall possess such other qualifications as may be required by law.

3. Transmit, by mail, to the commission in lunacy, and to the president of the board of managers, within five days after any such discharge, information of such discharge, and of the cause thereof. The commission shall preserve the name of such officer, or employe, with the facts relating to his discharge, in a book provided for that purpose.

4. Designate hospital attendants or employes to act as special policemen, whose duty it shall be, under the orders of the superintendent, to arrest and return to the hospital insane persons who may escape therefrom, and to preserve peace and good order in such hospital and to fully protect the grounds, buildings and patients. Such attendants and employes, acting as policemen, shall possess all the powers of peace officers on the grounds and premises of such hospital and to the extent of one hundred yards beyond such grounds. The designation of such attendants and employes as special policemen, in pursuance hereof, shall not

be deemed to supersede, on the grounds and premises of such hospital, the authority of peace officers of the jurisdiction within which such hospital is located.

5. Give such orders and instructions as he may deem best calculated to insure good conduct, fidelity and economy in every department of labor and expense.

6. Maintain salutary discipline among all who are employed in the institution and enforce strict compliance with his instructions and uniform obedience to all rules and regulations of the hospital.

7. Establish and supervise a training school for attendants and nurses, under rules and regulations of the hospital.

8. The superintendent shall hold at least two meetings weekly with the medical staff, at which the condition of patients, especially those recently admitted, shall be considered, and matters of medical service generally shall be given attention. The superintendent shall cause a complete clinical record to be made of each patient, to be kept in such form and to comprise such matters as the commission may direct.

9. Cause full and fair accounts and records of the entire business and operation of the hospital, to be kept regularly, from day to day, in books provided for that purpose.

10. See that all such accounts and records are fully made up to the last day of September in each year, and that the principal facts and results, with his report thereon, be presented to the board of managers within thirty days thereafter, who shall incorporate it in their report to the commission. The commission may prescribe the form of and the subjects to be embraced in such reports. Such superintendent shall make other reports at such times, in such manner and in respect to such matters as the board of managers or the commission may direct.

11. Keep a book, in which he shall cause to be entered at the time of reception of any patient, his name, residence and occupation, and the date of such reception, by whom brought and by what authority and on whose petition committed, and an abstract of all orders, warrants, requests, petitions, certificates and other papers accompanying such person. (*As amended by chapter 28 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 36. Special provisions relating to Long Island state hospital, Kings Park state hospital, Central Islip state hospital, and Manhattan state hospital.—The hospital heretofore known as the Long Island state hospital is divided into two parts. The part located at Kings Park shall be known as Kings Park state hospital; the part located at Flatbush in the borough of Brooklyn, city of New York, shall be known as Long Island state hospital. The hospital heretofore known as the Manhattan state hospital is divided into two parts. The part located on Ward's island, in the city of New York shall be known as the Manhattan state hospital. The part located at Central Islip shall be known as Central Islip state hospital. Each part of each of such hospitals shall, except as otherwise provided in this act, be deemed a separate and independent state hospital and all the provisions of this chapter relating to the management, maintenance and control of state hospitals and the appointment of resident officers, attendants and employes therein shall apply to each such state hospital. Patients shall be committed to and received at the Long Island state hospital, the Kings Park state hospital, the Central Islip state hospital, and the Manhattan state hospital, in accordance with rules to be established by the state commission in lunacy. The commission may also adopt rules regulating the transfer of such patients from one to another of such hospitals. The superintendent of the Manhattan state hospital, west, in office when this act takes effect, shall at such time become the superintendent of the Manhattan state hospital, and shall continue as such until removed as provided by law. (*As amended by chapter 634 of the Laws of 1900, chapters 26 and 599 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 36-a. Purchasing steward for Long Island state hospital, Kings Park state hospital, Manhattan state hospital, and Central Islip state hospital.—The office of purchasing steward for the Long Island state hospital, Kings Park state hospital, Manhattan state hospital and Central Islip state hospital, as heretofore established by the commission, is hereby continued. The purchasing steward for such hospitals shall be appointed by the commission, and may be removed by it for cause stated in writing, after an opportunity to be heard, and such action shall be final. The pur-

chasing steward in office on the first day of April, nineteen hundred and five, shall be continued in office until removed, pursuant to law or until a vacancy shall otherwise occur in such office and his successor is appointed and has qualified as provided by law. Such purchasing steward shall make all purchases for each of such hospitals, in accordance with estimates made as provided by this chapter, after a requisition therefor, approved by the superintendent of the hospital for which such purchases are required. He shall visit the hospitals for which he acts from time to time, and confer with the superintendents and resident stewards thereof as to the quantity, quality and price of supplies required therefor. He shall perform such other duties in respect to the purchase of supplies for such hospitals as may be prescribed by the commission. A resident steward for each of such hospitals, except for the Manhattan state hospital, shall be appointed in the same manner as steward of other state hospitals, and shall possess all the powers and perform all the duties conferred or imposed upon stewards of state hospitals by this chapter, except as herein otherwise provided. Such purchasing steward shall be, by virtue of his office, the steward of the Manhattan state hospital, and as to such hospital shall possess the powers, perform the duties, and be subject to the obligations of a steward, as prescribed by this chapter, and an assistant steward for the Manhattan state hospital, to aid the steward in the performance of his duties, shall be appointed in the same manner as the stewards of other state hospitals. Such purchasing steward shall have an office in the city of New York, and may appoint such clerks and assistants as may be authorized by the commission. The salaries of such purchasing steward and of such clerks and assistants shall be fixed by the commission in the same manner as those of other officers and employes. Such salaries, together with the necessary office, traveling and other expenses of such purchasing steward, actually incurred by him in the performance of his duties, shall be paid by the hospitals for which he acts, to be apportioned by the commission. (*Added by chapter 490 of the Laws of 1905.*)

§ 37. Meetings of superintendents.—The superintendents or other officers of the several state hospitals designated by them shall meet, at least once in every three months, upon the call of the

commission, at the office of the commission at Albany, or at such other place as may be designated by it, to consult with such commission with reference to matters relating to the care and operations of the state hospitals, and particularly with reference to the care and treatment of the insane. Each board of managers may, in its discretion, send one of its members to such meetings. (*As amended by chapters 380 and 634 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 38. Salaries of officers and wages of employees.—The commission, from time to time, with the approval in writing of the governor, secretary of state and comptroller, shall fix the annual salaries of the resident officers of the state hospitals, which shall be uniform for like service. They shall classify the other officers and employes into grades, and, except as provided by section thirty-eight-a of this chapter, shall determine the salaries and wages to be paid in each grade, which shall be uniform in all the hospitals. The salaries and wages shall be included in the estimates and paid in the same manner as other expenses of the state hospitals. Food supplies shall be allowed*to officers and employes and the families of the superintendents, first assistant physicians and stewards. Food supplies shall continue to be allowed the families of the assistant physicians residing at the hospitals on May first, nineteen hundred and four. Such families shall consist only of the wives and minor children of such officers; no other persons, except those regularly employed, shall be allowed rooms and maintenance, except at a rate to be fixed by the commission; such supplies shall be drawn from the supplies provided for general hospital use. With the approval of the commission, officers or employes of state hospitals may be permitted to live outside of such hospitals, and shall receive such sums in lieu of the quarters or supplies furnished by the hospitals, as may be equitable. (*As amended by chapter 380 of the Laws of 1900, chapter 26, of the Laws of 1902 and chapter 714 of the Laws of 1904.*)

§ 38-a. Salaries of certain officers and wages of certain employes prescribed.—The officers or employes of the state hospitals now or hereafter classified as occupying offices or positions specified in the schedule at the end of this section shall hereafter receive the salaries or wages per month indicated opposite the

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name or title of such office or position, except that where a minimum and maximum rate per month is prescribed, advancement from the minimum to the maximum rate shall be in accordance with the length of service, as prescribed in such schedule. If a minimum and maximum rate per month is not prescribed in such schedule, the salary or wages per month of such officer or employee shall be the amount indicated opposite the name or title of such office or position. Where an increase of salary or wages is allowed at a certain rate per month or otherwise for continuous service, continuous service performed before this section takes effect in the same position or employment, shall be deemed a part of the continuous service in determining the salary or wages to which such officer or employee shall be entitled under this section.

SCHEDULE OF SALARIES AND WAGES.

I.

ADMINISTRATION DEPARTMENT.

Position.	Wages per month.	
	Minimum.	Maximum.
Man stenographer.	\$62 50	\$75 00
Women stenographers.	50 00	62 50
Watchmen. . . . .	.....	43 75
Policemen. . . . .	.....	43 75
Barbers.	37 50	50 00
Coachman.	50 00	56 25
Drivers. . . . .	.....	31 25
Pages and messenger boys.	17 50	22 50

Increase of wages from minimum to maximum shall be made at the rate of two dollars per month for each year of continuous service.

II.

FINANCIAL DEPARTMENT.

Position.	Wages per month.	
	Minimum.	Maximum.
Bookkeeper.	\$87 50	\$100 00
Accountant.	75 00	87 50
Voucher and treasurer's clerk.	50 00	62 50
Storekeeper.	50 00	62 50
Man stenographer.	62 50	75 00
Woman stenographer.	50 00	62 50

Increase of wages from minimum to maximum shall be at the rate of two dollars per month for each year of continuous service. When a telegraph office is maintained in an institution an extra compensation of ten dollars per month shall be allowed to the person performing the service of operator.

III.

SUPERVISOR.

Position.	Wages per month.	
	Minimum.	Maximum.
1. Chief supervisors, men.	\$50 00	\$62 50
2. Chief supervisors, women.	43 75	56 25
3. Supervisors, men.	43 75	56 25
4. Supervisors, women.	37 50	50 00

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each six months of continuous service.

IV.

NURSES AND ATTENDANTS.

Position.	Wages per month.	
	Minimum.	Maximum.
1. Charge nurses, men.	\$35 00	\$41 25
2. Charge nurses, women.	28 75	35 00
3. Nurses, men.	31 25	37 50
4. Nurses, women.	25 00	31 25
5. Charge attendants, men.	31 25	37 50
6. Charge attendants, women.	25 00	31 25
7. Attendants, men.	22 00	30 00
8. Attendants, women.	16 00	22 50
9. Special attendants, men.	37 50	43 75
10. Special attendants, women.	31 25	37 50
11. Dining-room attendants, women.	17 50	22 50
12. Ward helpers, women. ....	.....	15 00

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each six months of continuous service. An attendant or nurse performing night service for a period of one month succeeding the first day of the month shall be entitled to one dollar per month in addition to regular wages. All attendants and all special attendants whether in immediate

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charge of patients or otherwise shall receive at least the wages designated in the above table.

V.

DOMESTIC SERVICE.

Position.	Wages per month.	
	Minimum.	Maximum.
Housekeepers.	\$31 25	\$37 50
Waitresses and chambermaids.	16 25	21 25

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.

VI.

KITCHEN SERVICE.

Position.	Wages per month.	
	Minimum.	Maximum.
Chefs, men.		\$93 75
Head cooks, men.		50 00
Head cooks, women.		50 00
Cooks, men.		31 25
Cooks, women.		31 25
Assistant cooks, women.		25 00
Kitchen helpers, men.	\$25 00	30 00
Kitchen helpers, women.	17 50	22 50

The wages of kitchen helpers shall be increased from minimum to maximum at the rate of one dollar per month for each six months of continuous service.

VII.

BAKERY SERVICE.

Position.	Wages per month.	
	Minimum.	Maximum.
Baker.		\$62 50
Assistant baker.		43 75
Bakers' helpers.	\$25 00	31 25

Increase of wages of bakers' helpers from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.

VIII.

MEAT CUTTERS.

Position.	Wages per month.
Meat cutters.	\$50 00

In institutions having a population of over two thousand patients, the meat cutters shall receive sixty-two dollars and fifty cents per month.

IX.

LAUNDRY SERVICE.

Position.	Wages per month.
Laundry overseer.	\$62 50
Launderers.	31 25
Head laundress.	31 25
Laundresses.	18 75

X.

ENGINEER'S DEPARTMENT.

Position.	Wages per month.	
	Minimum.	Maximum.
Chief engineer.		\$125 00
Engineer's assistants, first grade.		75 00
Engineer's assistants, second grade.		62 50
Engineer's assistants, third grade.		50 00
Electrical engineer.		93 75
Electrical engineer's assistants, first grade.		75 00
Electrical engineer's assistants, second grade.		62 50
Electrical engineer's assistants, third grade.		50 00
Linemen		43 75
Plumbers and steam-fitters.		75 00
Plumbers and steam-fitters' helpers.	\$26 25	37 50
Firemen, eight-hour shifts.		37 50
Firemen, twelve-hour shifts.		50 00

Plumbers and steam-fitters' helpers shall receive an increase from minimum to maximum at the rate of three dollars per month for each year of continuous service.

XI.

BUILDING DEPARTMENT.

Position.	Wages per month.
Master mechanic.	\$125 00
Head carpenter.	75 00
Carpenters.	62 50
Painters.	62 50
Blacksmiths.	62 50

XII.

INDUSTRIAL DEPARTMENT.

Position.	Wages per month.	
	Minimum.	Maximum.
Shop foreman.		\ \$56 25
Tailor.	\$50 00	56 25
Shoemaker.	50 00	56 25

Increase of wages of tailor and shoemaker from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service.

XIII.

PRINTING AND BOOKBINDING DEPARTMENT.

Position.	Wages per month.
Foreman.	\$75 00
Printer.	62 50
Bookbinder.	62 50

An employe who in addition to his other duties performs the duty of proofreader in the printing and bookbinding department, shall receive an additional compensation of twenty-five dollars per month. The bookkeeper who keeps the accounts of the printing and bookbinding department shall receive an additional compensation of twenty dollars per month.

XIV.

FARMS AND GROUNDS DEPARTMENT.

Position.	Wages per month.	
	Minimum.	Maximum.
Head farmer.	\$56 25	\$62 50
Dairyman.	43 75	50 00
Farmers.	31 25	37 50
Herdsmen.	31 25	37 50
Gardeners.	43 75	50 00
Florists.	50 00	56 25
Drivers. . . . .	.....	31 25
Laborers. . . . .	.....	25 00

Increase of wages from minimum to maximum shall be at the rate of one dollar per month for each year of continuous service. (*Added by chapter 714 of the Laws of 1904.*)

§ 39. Quarterly estimate of expenses; emergency fund.—The superintendent of each of the state hospitals shall, once in each three months as the commission may determine, cause to be prepared triplicate estimates in minute detail, of the expenses required for the hospital of which he is the superintendent, for the ensuing three months. He shall submit two of such triplicates to the commission and file the third copy in the office of the superintendent. The commission may revise estimates for supplies or other expenditures either as to quantity, quality, or the estimated cost thereof, and shall certify that it has carefully examined the same and that the articles contained in such estimates, as approved or revised by it, are actually required for the use of the hospital, and shall thereupon present such estimate and certificate to the comptroller. Upon the revision and approval of such estimate by the commission, the comptroller shall authorize the superintendent as treasurer, or such other officer as the commission may designate as provided in this chapter, to make drafts on the comptroller, as the money may be required for the purposes mentioned in such estimates, which drafts shall be paid on the warrant of the comptroller, out of the funds in the treasury of the state held for the care of the insane and the maintenance of state hospitals. In every such estimate, there shall be a sum named, not to exceed one thousand dollars, as an

emergency fund for which no minute detailed statement need be made. No money shall be expended for the use of any of the state hospitals, except as provided in this section. And except that a sum not exceeding two thousand dollars may, when authorized by the comptroller, be set apart by the commission to each hospital as a commutation ticket fund, to be used under the direction and control of the superintendent, for the purchase of commutation tickets. Such tickets shall be sold at cost under the direction of the superintendent for the use of the hospital. The amount received from the sale of such tickets shall be paid into such fund and shall be available for the purchase of additional tickets as above provided. Libraries may be furnished to any state hospital by the regents of the university of the state of New York, subject to the regulations adopted by them and the commission, the expense of which shall be included in the quarterly estimates of the hospitals. Any general expenses necessarily incurred by the commission for or on account of the state hospitals shall be apportioned to such hospitals on the basis of the number of patients, and included in the estimates of such hospitals, made as provided in this section under the direction of the commission. (*As amended by chapter 380 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 40. Powers and duties of superintendent as treasurer.—The superintendent, as treasurer of such hospital, or such officer as may be designated as treasurer by the commission as provided in this chapter, shall, subject to the rules and regulations of the commission, pertaining to his duties as treasurer:

1. Have the custody of all moneys received from the comptroller on account of estimates made by the superintendent and revised and approved by the commission, and keep an accurate account thereof.

2. Have the custody of all bonds, notes, mortgages and other securities and obligations belonging to the hospital.

3. Receive all money for the care and treatment of private and reimbursing patients and other sources of revenue of the hospital; but where a designation of a person as treasurer is made as provided by this chapter, the steward shall receive all

such money and transmit the same, once each week, to the person so designated as treasurer, and report the amount so transmitted to the superintendent.

4. Deposit all money received from the comptroller on account of estimates in a bank designated by the comptroller, in his name as treasurer, and send each month to the comptroller and to the commission a statement, showing the amount so received and deposited, and from whom and for what received, and when such deposits were made. Such statement of deposit shall be certified by the proper officer of the bank receiving such deposit. The superintendent as treasurer, or other officer designated as treasurer by the commission, as provided in this chapter, shall make an affidavit to the effect that the sum so deposited is all the money received by him, from any source of hospital income up to the time of the last deposit appearing on such statement. A bank designated by the comptroller to receive such deposits shall, before any deposit is made, execute a bond to the people of the state, in a sum approved by the comptroller, for the safe keeping of the funds deposited.

5. Pay out the money deposited for the uses of the state hospital, upon the voucher of the steward; where a person has been designated as treasurer, as provided in this chapter, such voucher shall be countersigned by the superintendent.

6. Keep full and accurate accounts of all receipts and payments, in the manner and according to books and forms prescribed and furnished by the commission.

7. Balance all accounts on his books, annually, for the year ending on the last day of September, and make a statement thereof and an abstract of the receipts and payments of the past year and deliver the same, within thirty days, to the commission.

8. Render an account of the state of the books and the funds and other property in his custody, whenever required by the commission.

9. Execute a release and satisfaction of a mortgage, judgment or other lien or debt in favor of the hospital, when paid.

10. Receive all moneys for or on account of the sale of lands of the hospital, of which he is the treasurer. (*Added by chapter 380 of the Laws of 1900.*)

(As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.)

§ 41. Monthly statements of receipts and expenditures; vouchers.—The superintendent as treasurer of each state hospital or such other officer as may be designated as treasurer by the commission, as provided in this chapter, shall, on or before the fifteenth day of each month, make to the comptroller and to the commission a full and perfect statement of all the receipts and expenditures, specifying the several items, for the last preceding calendar month. Such statement shall be verified by the affidavit of the treasurer attached thereto, in the following form:

I, treasurer of the state hospital, do solemnly aver that I have deposited in the bank designated by law for such purpose, all the moneys received by me on account of the hospital during the last month, and I do further swear that the foregoing is a true abstract of all the moneys received and payments made by me or under my direction as such treasurer during the month ending on the day of, 19 .

There shall also be forwarded to the commission the affidavit of the steward, to the effect that all goods and other articles for which vouchers are rendered were purchased and received by him, or under his direction, at the hospital; that the goods were purchased at a fair cash market price and paid for in cash, or on credit, not exceeding sixty days, and that he or any person in his behalf, had no pecuniary or other interest in the articles purchased; that he received no pecuniary or other benefit therefrom in the way of commission, percentage, deductions or presents, or in any other manner whatever, directly or indirectly; that the articles for which vouchers are rendered were received at the hospital; that they were conformed in all respects to the invoiced goods received and ordered by him, both in quality and quantity. Such vouchers shall be examined by the commission and compared with the estimates made for the month for which the statement is rendered, and if found correct shall be endorsed and forwarded by the commission, with the statement to the comptroller. If any voucher is found objectionable, the comptroller shall endorse his disapproval thereon, with the reason therefor,

and return it to the commission, who shall present it to the superintendent for correction, and when corrected return it to the comptroller. All such vouchers shall be filed in the office of the comptroller. (*As amended by chapters 26 and 130 of the Laws of 1903, and chapter 490 of the Laws of 1905.*)

§ 42. Action to recover moneys due the hospital.—The superintendent of any state hospital may bring an action in the name of the hospital, to recover for the use thereof:

1. The amount due upon any note or bond in his hands belonging to the hospital.

2. The amount charged and due, according to the by-laws of the hospital, for the support of any patient therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, and to enforce any liability created by statute for the care and support of the insane.

3. Upon any cause of action accruing to the hospital.—

(*As amended by chapter 380 of the Laws of 1900, chapter 26 of the Laws of 1902 and chapter 490 of the Laws of 1905.*)

§ 43. General powers and duties of the steward.—The steward, under the direction of the superintendent, and subject to the rules and regulations of the hospital, shall be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the hospital, and under the direction of the superintendent, and subject to such rules and regulations, shall:

1. Make all purchases for the hospital, except as otherwise provided in this chapter, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same.

2. Prepare and keep the pay-rolls of the hospital.

3. Keep the accounts for the support of patients and expenses incurred in their behalf, and furnish the treasurer statements thereof as they fall due.

4. Notify the treasurer of the death or discharge of any reimbursing or pay patient, within five days after such death or discharge.

(*As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 44. Purchases and contracts.—All purchases of supplies for the use of the hospital shall be made for cash or on credit or time, not exceeding sixty days; every voucher shall be duly filled up,

and with every abstract of vouchers paid, there shall be proof on oath that the voucher was properly filled up and the money paid. No expenditure for supplies or other purposes shall be made for the benefit of such hospital, by contract or otherwise, unless in conformity with the provisions of this act in relation to estimates. No member of the commission, manager or officer of a hospital shall be interested, directly or indirectly, in the furnishing of material, labor or supplies for the use of the hospital, nor shall any such manager or officer act as attorney or counsel for such hospital. Contracts subject to the approval of the commission shall be entered into jointly, by the stewards of the state hospitals for such staple articles of supplies, as it may be found feasible by the commission to purchase for the use of the hospitals. Such contracts shall not be let except in conformity with the provisions of this act relating to estimates. The state hospitals may manufacture such supplies and materials to be used in any of such hospitals as can be economically made therein. All goods for the use of the hospitals shall be bought, as far as practicable, of manufacturers or their immediate agents. All contracts, if let, shall, subject to the provisions of section thirty-nine, relating to estimates, be awarded to the lowest responsible bidders. A member of the commission or an officer, manager or employe of a state hospital shall not receive a gift or reward for himself or the hospital from any person, firm or corporation dealing in goods or supplies suitable or necessary for the use of the hospital. All purchases and contracts made and executed in pursuance of law, prior to June first, nineteen hundred and five, shall thereafter be given full force and effect, notwithstanding the change in the management of the state hospitals. (*As amended by chapter 380 of the Laws of 1900, chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 45. Official oath.—Each superintendent and steward of a hospital, before entering upon his duties as such, shall take the constitutional oath of office and file the same in the office of the secretary of state. (*As amended by chapter 26 of the Laws of 1902.*)

§ 46. Actions against commissioners in lunacy, managers or officers of state hospitals.—No civil action shall be brought in any court against the commission, or a commissioner in lunacy, or an

officer or a manager of a state hospital, for alleged damages because of any act done or failure to perform any act, while discharging their official duties, without leave of a judge of the supreme court, first had and obtained. Any just claim for damages against such commission or commissioner, officer, manager, or employe for which the state would be legally or equitably liable, may be paid out of any moneys appropriated for the care of the insane. (*As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 47. Private institutions for the insane.—No person, association or corporation shall establish or keep an institution for the care, custody or treatment of the insane, for compensation or hire, without first obtaining a license therefor from the commission. Every application for such license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the commission may require. The commission shall not grant any such license without first having made an examination of the premises proposed to be licensed, and being satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted. The commission may, at any and all times, examine and ascertain how far a licensed institution is conducted in compliance with the license therefor, and after due notice to the institution and opportunity for it to be heard, the commission having made a record of the proceeding upon such hearing, may, if the interest of the inmates of the institution so demand, for just and reasonable cause then appearing and to be stated in its order, amend or revoke any such license by an order to take effect within such time after the service thereof upon the licensee, as the commission shall determine.

§ 48. Recommendations of commission.—The authorities of each institution for the insane shall place on file in the office of the institution, the recommendations made by the commissioners as a result of their visits, for the purpose of consultation by such authorities, and for reference by the commissioners upon their visits.

§ 49. Visitors to state hospitals.—Justices of the supreme court are authorized to appoint visitors to state hospitals, upon nomination of the state charities aid association, as provided by law.

§ 50. Manhattan State Hospital; lease of property.—The transfer of the institutions, formerly known as the New York city asylums for the insane, to the custody and control of the Manhattan State Hospital, made pursuant to chapter two of the laws of eighteen hundred and ninety-six, and the lease and conveyance described in section two of such chapter are hereby ratified and confirmed. The lease of the island known as Ward's island, together with all the buildings and improvements thereon and the equipment, fixtures and furniture of the asylums for the insane located on such island, executed as prescribed in section two of chapter two of the laws of eighteen hundred and ninety-six, shall continue and remain in full force and effect until the same shall either be surrendered by the state or terminated by the city of New York. Such lease may be surrendered at any time by the state, or the same may be terminated by the city of New York by fifteen years' notice, in writing, signed by the mayor of such city, to the comptroller of the state. If such lease is terminated by the city of New York, the city shall pay to the state, the value, at the time of such termination, of all buildings that may have been erected and of all improvements that may have been made by the state on the premises as to which the lease is terminated. The amount so to be paid shall be determined by appraisement of five competent, disinterested persons, two of whom shall be named by the governor, two by the mayor of the city of New York, and the fifth by the four persons so named. In case such lease is surrendered or terminated, as provided in this section or otherwise, adequate provision shall thenceforth be made by the state for the care and custody of all insane persons who may be inmates of the institution affected. (*Added by chapter 380 of the Laws of 1900.*)

§ 51. Manhattan state hospital; docks, ferry-boats, and removal of dead bodies.—After notice has been given to the board of managers of the Manhattan state hospital and an opportunity has been afforded them for a hearing, the commission is hereby authorized to acquire by purchase or by lease, for the use of the Manhattan state hospital, in the city of New York, at some point as

nearly opposite Ward's island as may be available, a dock which shall be suitable for the purpose of a landing and a depot for the general use of the hospital; also to purchase or lease one or more suitable steamboats to be used for the conveyance of patients and supplies to and from such hospital. Until the state provides a cemetery for the use of the hospital the commissioner of public charities of the city of New York shall continue to remove the dead bodies of insane patients from Ward's island, and to provide for the burial of the unclaimed dead as prescribed by law prior to the passage of chapter two of the laws of eighteen hundred and ninety-six, and also to afford transportation by their steam ferry-boats for such bodies as are claimed by friends at the hospital, such removal to be made within twenty-four hours after receipt of notice from the superintendent of the Manhattan state hospital. (*Added by chapter 380 of the Laws of 1900, and amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.*)

§ 52. Acquisition of property for use of state hospitals by condemnation and otherwise.—The state commission in lunacy may acquire, under the condemnation law, such real estate, right or interest therein as may be necessary for the construction, maintenance and accommodation of a state hospital, if unable to agree with the owner thereof for its purchase. The proceedings for the purpose of acquiring such real estate, right or interest therein, shall be instituted and maintained in the name of the people of the state of New York, by the attorney-general or by such counsel as the governor or attorney-general may designate for that purpose, upon the certificate of such commission as to the necessity of acquiring such real estate, right or interest therein, approved and endorsed by the governor. The commission may acquire and hold in the name of and for the people of the state of New York, by grant, gift, devise or bequest, property to be applied to the maintenance of insane persons in and for the general use of a hospital. (*Added by chapter 380 of the Laws of 1900, and amended by chapter 490 of the Laws of 1905.*)

§ 53. Erection, repairs and improvements of state hospital buildings.—Except as hereinafter in this section provided, all plans and specifications for the erection, repairs and improvements of state hospital buildings shall be prepared by the state

architect, and he may employ such experts, engineers and assistants as may be necessary for the proper conduct of such work, whose compensation shall be fixed by said architect, with the approval of the commission, and shall be paid by the treasurer of the hospital where the work is to be performed, out of any moneys allotted by the commission for that purpose. The supervising engineer of the state commission in lunacy shall, when directed by the commission, prepare plans and specifications for the installation, repairs and improvements of the mechanical appliances and fixtures in the existing state hospitals, which before adoption shall be approved by the state architect. Before adopting any plans or specifications for the erection, repair or improvement of a state hospital building the commission shall submit the plans and specifications therefor to the board of managers of such hospital, and shall allow such board a period of not less than fifteen, nor more than sixty, days in which to submit a statement of their opinions and suggestions in regard to such plans and specifications. Contracts for such erection, repairs and improvements may be let by the commission, subject to the approval of the governor and comptroller, for the whole or any part of the work to be performed, and in the discretion of the commission, such contracts may be sublet. The comptroller and the commission shall determine to what extent and for what length of time advertisements are to be inserted in newspapers for proposals for the erection, repairs or improvements of state hospital buildings. A preliminary deposit, or certified check drawn upon some legally incorporated bank in this state, shall in all cases be required as an evidence of good faith, upon all proposals for buildings, repairs and improvements, to be deposited with the treasurer of the hospital for which the work is to be performed, in an amount to be determined by the state architect. All contracts for the erection, repairs or improvements to hospitals, shall contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the state beyond the moneys available for the purpose. The commission is directed, to the fullest extent deemed practicable, to provide additional buildings for the removal of the insane from the Long Island state hospital at Flatbush. (*Added by chapter 380 of the*

Laws of 1900, amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.)

§ 54. Streets and railroads through hospital lands.—No public street or road for railroad or other purposes shall be opened through the lands of a state hospital, unless the legislature by special law consents thereto. (*Added by chapter 26 of the Laws of 1902.*)

ARTICLE III.

COMMITMENT, CUSTODY AND DISCHARGE OF THE INSANE.

Section 60. Order for commitment of an insane person.

61. Medical examiners in lunacy; certificates of lunacy.
62. Proceedings to determine the question of insanity.
63. Appeal from order of commitment.
64. Costs of commitment.
65. Liability for care and support of poor and indigent insane.
66. Liability for the care and support of the insane other than the poor and indigent.
67. Duties of local officers in regard to their insane.
68. Duty of committee and others to care for the insane; apprehension and confinement of a dangerous insane person.
69. Patients admitted under special agreement.
70. Entries in case book.
71. Transfer of patients when hospital is overcrowded.
72. Investigation into the care and treatment of the insane.
73. Habeas corpus.
74. Discharge of patients.
75. Clothing and money to be furnished discharged patients.
76. Transfer of nonresident patients.
77. Insane Indians.
78. Sale of unclaimed personal property of discharged or deceased patients.

Section 60. Order for commitment of an insane person.—A person alleged to be insane, and who is not in confinement on a criminal charge, may be committed to and confined in an institu-

tion for the custody and treatment of the insane, upon an order made by a judge of a court of record of the city or county, or a justice of the supreme court of the judicial district, in which the alleged insane person resides or may be, adjudging such person to be insane, upon a certificate of lunacy made by two qualified medical examiners in lunacy, accompanied by a verified petition therefor, or upon such certificate and petition, and after a hearing to determine such question, as provided in this article. The commission shall prescribe and furnish blanks for such certificates and petitions, which shall be made only upon such blanks. An insane person shall be committed only to a state hospital, a duly licensed institution for the insane, or the Matteawan State hospital, or to the care and custody of a relative or committee, as hereinafter provided. No idiot shall be committed to or confined in a state hospital. But any epileptic or feeble-minded person becoming insane may be committed as an insane person to a state hospital for custody and treatment therein.

§ 61. Medical examiners in lunacy; certificates of lunacy.—The certificate of lunacy must show that such person is insane and must be made by two reputable physicians, graduates of an incorporated medical college, who have been in the actual practice of their profession at least three years, and have filed with the commission a certified copy of the certificate of a judge of a court of record, showing such qualifications in accordance with forms prescribed by the commission. Such physicians shall jointly make a final examination of the person alleged to be insane within ten days next before the granting of the order. The date of the certificate of lunacy shall be the date of such joint examination. Such certificate of lunacy shall be in the form prescribed by the commission, and shall contain the facts and circumstances upon which the judgment of the physicians is based and show that the condition of the person examined is such as to require care and treatment in an institution for the care, custody and treatment of the insane. Neither of such physicians shall be a relative of the person applying for the order, or of the person alleged to be insane, or a manager, superintendent, proprietor, officer, stockholder, or have any pecuniary interest, directly or indirectly, or be an attending physician in the institution to which it is proposed to commit such person.

§ 62. Proceedings to determine the question of insanity.—Any person with whom an alleged insane person may reside or at whose house he may be, or the father or mother, husband or wife, brother or sister, or the child of any such person, and any overseer of the poor of the town, and superintendent of the poor of the county in which any such person may be, may apply for such order, by presenting a verified petition containing a statement of the facts upon which the allegation of insanity is based, and because of which the application for the order is made. Such petition shall be accompanied by the certificate of lunacy of the medical examiners, as prescribed in the preceding section. Notice of such application shall be served personally, at least one day before making such application, upon the person alleged to be insane, and if made by an overseer or superintendent of the poor, also upon the husband or wife, father or mother or next of kin of such alleged insane person, if there be any such known to be residing within the county, and if not, upon the person with whom such alleged insane person may reside, or at whose house he may be. The judge to whom the application is to be made may dispense with such personal service, or may direct substituted service to be made upon some person to be designated by him. He shall state in a certificate to be attached to the petition his reason for dispensing with personal service of such notice, and if substituted service is directed, the name of the person to be served therewith. The judge to whom such application is made may, if no demand is made for a hearing in behalf of the alleged insane person, proceed forthwith to determine the question of insanity, and if satisfied that the alleged insane person is insane, may immediately issue an order for the commitment of such person to an institution for the custody and treatment of the insane. If, however, it appears that such insane person is harmless and his relatives or a committee of his person are willing and able to properly care for him, at some place other than such institution, upon their written consent, the judge may order that he be placed in the care and custody of such relatives or such committee. Such judge may, in his discretion, require other proofs in addition to the petition and certificate of the medical examiners. Upon the demand of any relative or near friend in behalf of such alleged insane person, the judge shall, or he may upon his own motion,

issue an order directing the hearing of such application before him at a time not more than five days from the date of such order, which shall be served upon the parties interested in the application and upon such other persons as the judge, in his discretion, may name. Upon such day, or upon such other day to which the proceedings shall be regularly adjourned, he shall hear the testimony introduced by the parties and examine the alleged insane person if deemed advisable, in or out of court, and render a decision in writing as to such person's insanity. If it be determined that such person is insane, the judge shall forthwith issue his order committing him to an institution for the custody and treatment of the insane, or make such other order as is provided in this section. If such judge can not hear the application he may, in his order directing the hearing, name some referee, who shall hear the testimony and report the same forthwith, with his opinion thereon, to such judge, who shall, if satisfied with such report, render his decision accordingly. If the commitment be made to a state hospital, the order shall be accompanied by a written statement of the judge as to the financial condition of the insane person and of the persons legally liable for his maintenance as far as can be ascertained. The superintendent of such state hospital shall be immediately notified of such commitment, and he shall, at once, make provisions for the transfer of such insane person to such hospital. The petition of the applicant, the certificate in lunacy of the medical examiners, the order directing a further hearing as provided in this section, if one be issued, and the decision of the judge or referee, and the order of commitment shall be presented at the time of the commitment to the superintendent or person in charge of the institution to which the insane person is committed, and verbatim copies shall be forwarded by such superintendent or person in charge and filed in the office of the state commission in lunacy. The relative, or committee, to whose care and custody any insane person is committed, shall forthwith file the petition, certificate and order, in the office of the clerk of the county where such order is made, and transmit a certified copy of such papers, to the commission in lunacy, and procure and retain another such certified copy. The superintendent or person in charge of any institution for the care and treatment of the insane may refuse

to receive any person upon any such order, if the papers required to be presented shall not comply with the provisions of this section, or if in his judgment, such person is not insane within the meaning of this statute, or if received, such person may be discharged by the commission. No person shall be admitted to any such institution under such order after the expiration of five days from and inclusive of the date thereof. Notwithstanding the requirements of this section that an alleged insane person be duly committed by an order of the court, in a case where the condition of such person is such that it would be for his benefit to receive immediate care and treatment, or if he is dangerously insane so as to render it necessary for public safety that he be immediately confined, he shall be forthwith received by a state institution authorized by law to care for the insane. In such case such insane person shall be so received by such institution upon a certificate of lunacy, executed by two medical examiners in lunacy after the examination and in the manner provided in the preceding section, and upon a petition made by the person authorized by this section to apply to a court for an order of commitment. By virtue of such certificate of lunacy and such petition such insane person may be retained in such institution for a period not to exceed five days. Prior to the expiration of such time an order for his commitment must be obtained in the manner provided by this section. The certificate of lunacy executed by such physicians must contain adequate reasons why the insane person should be immediately received in an institution for the insane for treatment. The superintendent or person in charge of any such institution may refuse to receive such insane person upon such certificate and petition, if in his judgment the reasons stated in the certificate, or the condition of the patient, are not sufficient, or is not of such character, as to make it necessary that the patient should receive immediate treatment. (*As amended by chapter 146 of the Laws of 1903.*)

§ 63. Appeal from order of commitment.—If a person ordered to be committed, pursuant to this chapter, or any friend in his behalf, is dissatisfied with the final order of a judge or justice committing him, he may, within ten days after the making of such order appeal therefrom to a justice of the supreme court other than the justice making the order, who shall cause a jury to be

summoned as in case of proceedings for the appointment of a committee for an insane person, and shall try the question of such insanity in the same manner as in proceedings for the appointment of a committee. Before such appeal shall be heard, such person shall make a deposit or give a bond, to be approved by a justice of the supreme court, for the payment of the costs of the appeal, if the order of commitment is sustained. If the verdict of the jury be that such person is insane, the justice shall certify that fact and make an order of commitment as upon the original hearing. Such order shall be presented, at the time of the commitment of such insane person, to the superintendent or person in charge of the institution to which the insane person is committed, and a copy thereof shall be forwarded to the commission by such superintendent or person in charge and filed in the office thereof. Proceedings under the order shall not be stayed pending an appeal therefrom, except upon an order of a justice of the supreme court, and made upon a notice, and after a hearing, with provisions made therein for such temporary care or confinement of the alleged insane person as may be deemed necessary. If a judge shall refuse to grant an application for an order of commitment of an insane person proved to be dangerous to himself or others, if at large, he shall state his reasons for such refusal in writing, and any person aggrieved thereby may appeal therefrom in the same manner and under like conditions as from an order of commitment.

§ 64. Costs of commitment.—The costs necessarily incurred in determining the question of the insanity of a poor or indigent or other person under this act, or under section twenty-six, chapter four hundred and forty-six of the laws of eighteen hundred and seventy-four, including the fees allowed by the judge or justice ordering the commitment to the medical examiners or medical witnesses called by him and other necessary expenses, and in securing the admission of such person into a state hospital and the expense of providing proper clothing for such person in accordance with the rules and regulations adopted by the commission, shall be a charge upon the town, city or county securing the commitment; but in the city of New York all fees of medical examiners and medical witnesses appointed or called by a judge of any court in said city for the purpose of determining the

question of the insanity of any such person, and not heretofore paid, may be audited and allowed in the first instance either by the judge or justice appointing the medical examiners or by the comptroller of said city and shall be paid by the chamberlain of said city on the warrant of the comptroller from the court fund and charged to the proper county within said city. If the person sought to be committed is not a poor or indigent person, the costs and expenses of the proceeding to determine his insanity and secure his commitment paid by any town, city or county may be collected by it from the estate of such person, or from the persons legally liable for his maintenance, and the same shall be a charge upon the estate of such person, or the same shall be paid by the persons legally liable for his maintenance. (*As amended by chapter 428 of the Laws of 1904.*)

§ 65. Liability for care and support of poor and indigent insane.—All poor and indigent insane persons not in confinement under criminal proceedings, shall, without unnecessary delay, be transferred to a state hospital and there wholly supported by the state. The costs necessarily incurred in the transfer of patients to state hospitals shall be a charge upon the state. The commission shall secure from the patient's estate and from relatives or friends who are liable or may be willing to assume the costs of support of inmates of state hospitals supported by the state, reimbursement, in whole or in part, of the money thus expended, either directly or through the treasurers of the respective hospitals, as provided in section forty-two of this act. The commission may appoint agents, whose duty it shall be to secure from relatives and friends who are liable therefor, or who may be willing to assume the cost of support of any of the inmates of state hospitals as are being supported by the state, reimbursement in whole or in part of the money so expended. The compensation of each agent shall not exceed five dollars a day, and the necessary traveling and other incidental expenses incurred by him, to be approved by the comptroller. The commission may fix a rate to be paid for the support of the inmates of state hospitals by relatives liable for such support or by those not liable for such support, but willing to assume the cost thereof; but such rate shall be sufficient to cover a proper proportion of the cost of maintenance and of necessary repairs and improvements.

The maintenance of any inmate of a state hospital, committed thereto upon a court order arising out of any criminal action, shall be paid by the county from which such inmate was committed. (*As amended by chapter 380 of the Laws of 1900 and chapter 546 of the Laws of 1901.*)

§ 66. Liability for the care and support of the insane other than the poor and indigent.—The father, mother, husband, wife and children of an insane person, if of sufficient ability, and the committee or guardian of his person and estate, if his estate is sufficient for the purpose, shall cause him to be properly and suitably cared for and maintained. The commission and the superintendent of the poor of the county, and the overseer of the poor of the town where any such insane person may be, or in the city of New York, the commissioners of public charities, may inquire into the manner in which any such person is cared for and maintained; and if, in the judgment of any of them, he is not properly or suitably cared for, may apply to a judge of a court of record for an order to commit him to a state hospital under the provisions of this article, but such order shall not be made unless the judge finds and certifies in the order that such insane person is not properly or suitably cared for by such relative or committee, or that it is dangerous to the public to allow him to be cared for and maintained by such relative or committee. The costs and charges of the commitment and transfer of such insane person to a state hospital shall be paid by the committee, or the father, mother, husband, wife or children of such person, to be recovered in an action brought in the name of the people by the commission, the superintendent of the poor of the county, or the overseer of the poor of the town where such insane person may be, or in the city of New York in the name of the commissioners of public charities. In all claims of the state upon relatives liable for the support of a patient, or upon moneys or property held by said patient, the state shall be deemed a preferred creditor. (*As amended by chapter 380 of the Laws of 1900.*)

§ 67. Duties of local officers in regard to their insane.—All county superintendents of the poor, overseers of the poor and other city, town or county authorities, having duties to perform relating to the insane poor, are charged with the duty of seeing that all poor and indigent insane persons within their respective

municipalities, are timely granted the necessary relief conferred by this chapter, and, when so ordered by a judge, as herein provided, or by the commission, shall see that they are, without unnecessary delay, transferred to the proper institutions provided for their care and treatment as the wards of the state. Before sending a person to any such institution, they shall see that he is in a state of bodily cleanliness and comfortably clothed with *suitable* or new clothing, in accordance with the regulations prescribed by the commission. The commission may, by order, direct that any person it deems unsuitable therefor shall not be so employed or act as such attendant. Each patient shall be sent to the state hospital, within the district embracing the county from which he is committed, except that the commission may, in their discretion, direct otherwise, but private or public insane patients, for whom homeopathic care and treatment may be desired by their relatives, friends or guardians, may be committed to the Middletown State Homeopathic hospital, or the Gowanda State Homeopathic hospital, from any of the counties of the state, in the discretion of the judge granting the order of commitment; and in the hospital to which any patient is ordered to be sent shall, by and under the regulations made by such commission, send a trained attendant to bring the patient to the hospital. Each female committed to any institution for the insane shall be accompanied by a female attendant, unless accompanied by her father, brother, husband, or son. After the patient has been delivered to the proper officers of the hospital, the care and custody of the municipality from which he is sent shall cease. *(As amended by chapter 481 of the Laws of 1899 and chapter 146 of the Laws of 1903.)*

§ 68. Duty of committee and others to care for the insane; apprehension and confinement of a dangerous insane person.—When an insane person is possessed of sufficient property to maintain himself, or his father, mother, husband, wife or children are of sufficient ability to maintain him, and his insanity is such as to endanger his own person, or the person and property of others, the committee of his person and estate, or such father, mother, husband, wife or children must provide a suitable place for his confinement, and there maintain him in such manner as shall be approved by the proper legal authority. The county superin-

tendent of the poor and the overseers of the poor of towns and cities, the commissioners of public charities in the city of New York, and the commissioners of charities and correction in the city of Brooklyn, are required to see that the provisions of this section are carried into effect in the most humane and speedy manner. Upon the refusal or neglect of a committee, guardian or relative of an insane person to cause him to be confined, as required in this chapter, the officers named in this section shall apply to a judge of a court of record of the city or county, or to a justice of the supreme court of the judicial district in which such insane person may reside or be found, who, upon being satisfied, upon proper proofs, that such person is dangerously insane and improperly at large, shall issue a precept to one or more of the officers named, commanding them to apprehend and confine such insane person in some comfortable and safe place; and such officers in apprehending such insane person shall possess all the powers of a peace officer executing a warrant of arrest in a criminal proceeding. Unless an order of commitment has been previously granted, such officers shall forthwith make application for the proper order for his commitment to the proper institution for the care, custody and treatment of the insane, as authorized by this chapter, and if such order is granted, such officer shall take the necessary legal steps to have him transferred to such institution. In no case shall any such insane person be confined in any other place than a state hospital or duly licensed institution for the insane, for a period longer than ten days, nor shall such person be committed as a disorderly person to any prison, jail or lockup for criminals, unless he be violent and dangerous, and there is no other suitable place for his confinement, nor shall he be confined in the same room with a person charged with or convicted of crime. Any person apparently insane, and conducting himself in a manner which in a sane person would be disorderly, may be arrested by any peace officer and confined in some safe and comfortable place until the question of his sanity be determined, as prescribed by this chapter. The officer making such arrest shall immediately notify the superintendent of the poor of the county, or the overseers of the poor of the town or city, or, in the city of New York, the commissioners of public

charities, or, in the city of Brooklyn, the commissioners of charities and correction, who shall forthwith take proper measures for the determination of the question of the sanity of such person.

§ 69. Patients admitted under special agreement.—The commission may authorize the superintendent of a state hospital to admit thereto, under special agreement, insane patients, who are residents of the state, other than poor and indigent insane persons, when there is room for such insane therein. But no patient shall be permitted to occupy more than one room in any state hospital. Such patients, when so received, shall be subject to the general rules and regulations of the hospital. The amount agreed upon for the maintenance of such insane persons in a state hospital, shall be secured by a properly executed bond, and bills therefor shall be collected monthly. (*As amended by chapter 380 of the Laws of 1900, and chapter 26 of the Laws of 1902.*)

§ 70. Entries in case book.—Every superintendent or other person in charge of an institution for the care and treatment of the insane, shall, within three days after the reception of a patient, make, or cause to be made, a descriptive entry of such case in a book exclusively set apart for that purpose. He shall also make or cause to be made entries from time to time, of the mental state, bodily condition and medical treatment of such patient during the time such patient remains under his care, and in the event of the discharge or death of such person, he shall state in such case book the circumstances thereof, and make such other entries at such intervals of time and in such form as may be required by the commission.

§ 71. Transfer of patients when hospital is overcrowded.—When the building of any state hospital shall become overcrowded with patients, or the number of buildings shall be reduced by fire, or other casualties, or for other cause, the commission may, in its discretion, cause the transfer of patients therefrom, or direct that patients required to be sent thereto, be transferred to another state hospital, where they can be conveniently received, or make, in special emergencies, temporary provision for their care, preference to be given in such transfers to a hospital in an adjoining rather than in a remote district. The expenses of such transfer shall be chargeable to the state, and the bills for the same, when approved by the commission, shall be paid by the treasurer of the

state, on the warrant of the comptroller, out of any moneys provided for the support of the insane.

§ 72. Investigation into the care and treatment of the insane.—When the commission has reason to believe that any person adjudged insane is wrongfully deprived of his liberty, or is cruelly, negligently or improperly treated, or inadequate provision is made for his skillful medical care, proper supervision and safe keeping, it may ascertain the facts, or may order an investigation of the facts by one of its members. It, or the commissioner conducting the proceedings, may issue compulsory process for the attendance of witnesses and the production of papers, and exercise the powers conferred upon a referee in the supreme court. If the commission deem it proper, it may issue an order directing to any or all institutions, directing and providing for such remedy or treatment, or both, as shall be therein specified. If such order be just and reasonable, and be approved by a justice of the supreme court, who may require a notice to be given of the application for such approval, it shall be binding upon any and all institutions and persons to which it is directed, and any willful disobedience of such order shall be a criminal contempt and punishable as such. Whenever the commission shall undertake an investigation into the general management and administration of any institution for the insane, it may give notice to the attorney-general of any such investigation, and the attorney-general shall appear personally or by deputy and examine witnesses who may be in attendance. The commission, or any member thereof, may at any time visit and examine the inmates of any county or city almshouse, to ascertain if insane persons are kept therein.

§ 73. Habeas corpus.—Any one in custody as an insane person is entitled to a writ of habeas corpus, upon a proper application made by him or some friend in his behalf. Upon the return of such writ, the fact of his insanity shall be inquired into and determined. The medical history of the patient, as it appears in the case book, shall be given in evidence, and the superintendent or medical officer in charge of the institution wherein such person is held in custody, and any proper person, shall be sworn touching the mental condition of such person.

§ 74. Discharge of patients.—The superintendent of a state hospital, on filing his written certificate with the commission, may

discharge any patient, except one held upon an order of a court or judge having criminal jurisdiction in an action or proceeding arising out of a criminal offense at any time, as follows:

1. A patient who, in his judgment, is recovered.

1-a. A patient who, in his opinion, is a dotard, not insane.

2. Any patient who is not recovered but whose discharge, in the judgment of the superintendent, will not be detrimental to the public welfare, or injurious to the patient; provided, however, that before making such certificate, the superintendent shall satisfy himself, by sufficient proof, that friends or relatives of the patient are willing and financially able to receive and properly care for such patient after his discharge. When the superintendent is unwilling to certify to the discharge of an unrecovered patient upon request, and so certifies in writing, giving his reasons therefor, any judge of a court of record in the judicial district in which the hospital is situated may, upon such certificate and an opportunity of a hearing thereon being accorded the superintendent, and upon such other proofs as may be produced before him, direct, by order, the discharge of such patient, upon such security to the people of the state as he may require, for the good behavior and maintenance of the patient. The certificate and the proof and the order granted thereon shall be filed in the clerk's office of the county in which the hospital is situated, and a certified copy of the order in the hospital from which the patient is discharged. The superintendent may grant a parole to a patient not exceeding thirty days, under general conditions prescribed by the commission. The commission may, by order, discharge any patient in its judgment improperly detained in any institution. A poor and indigent patient discharged by the superintendent, because he is an idiot, or a dotard not insane, or an epileptic, not insane, or because he is not a proper case for treatment within the meaning of this chapter, shall be received and cared for by the superintendent of the poor or other authority having similar powers, in the county from which he was committed. A patient, held upon an order of a court or judge having criminal jurisdiction, in an action or proceeding arising from a criminal offense, may be discharged upon the superintendent's certificate of recovery, approved by any such court or judge.

(As amended by chapter 26 of the Laws of 1902, and chapter 490 of the Laws of 1905.)

§ 75. Clothing and money to be furnished discharged patients.—No patient shall be discharged from a state hospital without suitable clothing adapted to the season in which he is discharged; and if it can not be otherwise obtained, the steward shall, upon the order of the superintendent, furnish the same, and money not exceeding twenty-five dollars, to defray his necessary expenses until he can reach his relatives or friends, or find employment to earn a subsistence.

§ 76. Transfer of non-resident patients.—If an order be issued by any judge, committing to a state hospital a poor or indigent person, who has not acquired a legal settlement in this state, the commission in lunacy shall return such insane person, either before or after his admission to a state hospital, to the country or state to which he belongs, and for such purpose may expend so much of the money appropriated for the care of the insane as may be necessary, subject to the audit of the comptroller.

§ 77. Insane Indians.—Poor and indigent insane Indians living within this state or upon any of the Indian reservations shall be committed to, confined in, and discharged from the state hospitals for the insane in the same manner and under the same rules and regulations as other poor and indigent insane persons; and all the provisions of this chapter shall apply to the Indians residing within this state the same as to other persons.

§ 78. Sale of unclaimed personal property of discharged or deceased patients.—All articles of personal property belonging to a discharged or deceased patient of a state hospital for the insane and in the custody of the superintendent or other proper officer of such hospital, may, if unclaimed by such discharged patient, or the legal representatives of such deceased patient, for a period of six months after the discharge or decease of such patient, be sold at public auction in such manner and after such notice or advertisement as the commission shall prescribe, and the proceeds of such sale shall be paid into the amusement fund of such hospital. *(Added by chapter 391 of the Laws of 1902.)*

ARTICLE IV.

STATE HOSPITAL FOR INSANE CRIMINALS.

Section 90. Establishment and purposes of the Matteawan State Hospital.

91. Medical superintendent.
92. Medical superintendent as treasurer of the hospital.
93. Salaries of resident officers.
94. Powers and duties of medical superintendent and assistants.
95. Monthly estimates.
96. Power of removal.
97. Transfer of insane convicts to the Matteawan State Hospital.
98. Disposal of insane convicts after expiration of term of imprisonment.
99. Convicts on recovery, to be transferred to prison.
100. Certificates of conviction to be delivered to medical superintendent and copy filed.
101. Transfers from state hospitals to Matteawan State Hospital.
102. Authority to recover for the support of patients.
103. Tenure of office.
104. Communications with patients.

Section 90. Establishment and purposes of the Matteawan State Hospital.—The grounds, buildings and property located at Matteawan, in the county of Dutchess, and used for the purposes of the hospital for insane criminals, are hereby declared to be the Matteawan State hospital, to be used for the purpose of holding in custody and caring for such insane persons as may be committed to the said institution by courts of criminal jurisdiction, or transferred thereto by the state commission in lunacy, and for such convicted persons who may be declared insane while undergoing sentence of one year or less or for a misdemeanor at any of the various penal institutions of the state, and for all female convicts becoming insane while undergoing sentence. (*As amended by chapter 525 of the Laws of 1904.*)

§ 91. Medical superintendent.—The superintendent of state prisons shall, whenever there is a vacancy, appoint a medical su-

perintendent for the Matteawan State Hospital, who shall be a well-educated physician of at least five years' actual experience in a hospital for the care and treatment of the insane. The superintendent of state prisons, subject to the approval of the state commission in lunacy, shall make by-laws and regulations for the government of the hospital and the management of its affairs.

§ 92. Medical superintendent as treasurer of the hospital.—The medical superintendent shall be the treasurer of the hospital, and before entering upon his duties, shall file with the comptroller of the state his undertaking to the people with sureties to be approved by the superintendent of state prisons, to the effect that he will faithfully perform his trust as such treasurer. He shall have the custody of the moneys, securities and obligations belonging to the hospital, and shall open with some bank, in the vicinity of the hospital, to be selected with the approval of the comptroller, an account in his name as such medical superintendent, and immediately deposit in such bank all moneys received by him as such medical superintendent and treasurer, and shall draw therefrom only for the use of the hospital and in the manner provided by the by-laws and upon the order of the steward, specifying the object of each payment. He shall keep a full and accurate account of the receipts and payments, as directed by the by-laws, and of such other matters as the superintendent of state prisons and the state commission in lunacy may prescribe, and balance all his accounts, annually, on the thirtieth day of September, and within ten days thereafter deliver to the superintendent of state prisons, a statement thereof and an abstract of such receipts and payments for the past year. His books and vouchers shall at all times be open to the inspection of the superintendent of state prisons and the commission, and they may at any time require of him a statement of his accounts and of the funds and property in his custody.

§ 93. Salaries of resident officers.—The superintendent of state prisons shall, from time to time, determine the annual salaries and allowances of the resident officers, provided they do not in the aggregate exceed twelve thousand dollars; and the same shall be paid quarterly, on the last days of March, June, September and December, by the treasurer of the state, on the warrant of the comptroller, out of any moneys in the treasury not otherwise

appropriated, to the medical superintendent, on his presenting a bill of particulars thereof signed by the steward, and properly certified by such medical superintendent.

§ 94. Powers and duties of medical superintendent and assistants.—The medical superintendent shall be the chief executive officer of the hospital and shall:

1. Have the general superintendence of the building and grounds, together with their furniture, fixtures and stock, and the direction and control of all persons therein, subject to the rules and regulations adopted by the superintendent of state prisons, with power to assign their respective duties.

2. Appoint such number of assistant physicians, not to exceed one for each two hundred inmates or fraction thereof, as the necessities of the institution may require, also a steward and matron, all of whom and the medical superintendent, shall reside in the hospital, and shall be known as the resident officers thereof.

3. Appoint such and so many attendants and other subordinate employes as he may think proper and necessary for the economical and efficient administration of the affairs of the hospital, and prescribe their several duties and places, and fix, with the approval of the superintendent of state prisons, their compensation, and discharge any of them at his sole discretion; but in every case of discharge, so occurring, he shall, forthwith, enter the same with the reasons therefor, under an appropriate heading, in one of the record books of the hospital.

4. Give, from time to time, such orders and instructions as he may deem best calculated to insure good conduct, fidelity and economy in every department of labor and expense.

5. Maintain salutary discipline among all who are employed by the institution, and enforce strict compliance with all instructions and orders given by him, and uniform obedience to all the rules and regulations of the hospital.

6. Cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution to be kept regularly, from day to day, in books provided for that purpose, in the manner and extent prescribed in the by-laws.

7. See that all accounts and records are fully made up to the last day of September in each year, and present by the principal

facts and results, with his report thereon, to the superintendent of state prisons, within forty days thereafter. The resident officers, before entering upon their duties as such, shall severally take and file in the office of the secretary of state, the constitutional oath of office. The first assistant physician shall perform the duties and be subject to the responsibilities of the superintendent in his sickness or absence. The steward may personally purchase any supplies for the use of such hospital, but only in the name of the medical superintendent, and in each instance by his direction and not otherwise.

§ 95. Monthly estimates.—The medical superintendent shall cause an estimate to be made monthly, in accordance with forms to be approved by the state comptroller, of all moneys necessary for the support and maintenance of the hospital, which may be required to supplement the deficiencies in the earnings thereof. Such estimates shall be submitted to and examined by the superintendent of state prisons, who, if he is satisfied that it is correct, and that the articles named therein are actually needed for the support and maintenance of the hospital, shall certify to the same, and on production of such estimate so certified, to the comptroller, he shall draw his warrant on the state treasurer for the amount thereof, and the state treasurer shall pay such amount to the medical superintendent of the hospital, out of any money in the treasury appropriated for the support of such hospital.

§ 96. Power of removal.—The superintendent of state prisons may remove the medical superintendent, for cause shown, and an opportunity to such superintendent to be heard thereon, and such officer shall not be reappointed to the office of medical superintendent, or to any other position in said hospital.

§ 97. Transfer of insane convicts to the Matteawan State Hospital.—Whenever the physician of the state prison for women, any county penitentiary or workhouse, any reformatory for women, or of the state reformatory or any other penal institution shall report in writing to the warden or other officer in charge thereof, that any person undergoing a sentence of one year or less or convicted of a misdemeanor, or any female convict confined therein is, in his opinion, insane, such warden or other officer shall apply to a judge of a court of record to cause an examination to be made of such person by two legally qualified examiners in

lunacy, other than a physician connected with such state prison, penitentiary, reformatory or penal institution. Such examiners shall be designated by the judge to whom the application is made. Such examiners, if satisfied, after a personal examination, that such convict is insane, shall make a certificate to such effect in the form and manner prescribed by this chapter for the commitment of insane persons to state hospitals. Such warden or other person in charge shall apply to a judge of a court of record for an order transferring such convict to the Matteawan State Hospital, accompanying such application with such certificate in lunacy. Such judge, if satisfied that such convict is insane, shall issue such order of transfer, and such warden or other officer in charge shall thereupon cause such convict to be transferred to the Matteawan State Hospital and delivered to the medical superintendent thereof. At the time of such transfer the certificate in lunacy and order of transfer shall be presented to such medical superintendent. Such insane convict shall be received into such hospital and retained there until legally discharged. Such warden, or other officer in charge, before transferring such insane convict, shall see that he is bodily clean and is provided with a new suit of clothing similar to that furnished to convicts on their discharge from prison. The costs necessarily incurred in determining the question of insanity, including the fees of the medical examiners, shall be a charge upon the state or the municipality at whose expense the institution from which the transfer is made or sought to be made is maintained. (*As amended by chapter 525 of the Laws of 1904.*)

§ 98. Disposal of insane convicts after expiration of term of imprisonment.—Whenever any convict in the Matteawan State Hospital, under and by virtue of this act, shall continue to be insane at the expiration of the term for which he was sentenced, he may be retained therein until he has recovered or is otherwise legally discharged. The medical superintendent of such hospital may discharge and deliver any patient whose sentence has expired, and who is still insane, but who, in the opinion of the superintendent is reasonably safe to be at large, to his relatives or friends who are able and willing to comfortably maintain him, without further public charge; and such patient may, in the discretion of the medical superintendent, be provided with the whole or a por-

tion of such allowances as are hereinafter granted to recovered convicts. Whenever any convict, who, by reason of his insanity, shall have been retained beyond the date of the expiration of his sentence shall recover, he may be discharged by the medical superintendent, and such convict shall be entitled to ten dollars in money, suitable clothing and a railroad ticket to the county of his conviction or to such other place as he may designate at no greater distance. Similar allowances shall be made to patients committed by order of a court and who may be discharged. Any convict in the Matteawan State Hospital, whose term of imprisonment has expired by commutation or otherwise, and who is not recovered may, upon an order of the commission in lunacy, be transferred to any institution for the insane.

§ 99. Convicts on recovery to be transferred to prison.—Whenever any convict, who shall have been confined in such hospital as an insane person, shall have recovered before the expiration of his sentence, and the medical superintendent thereof shall so certify in writing to the agent and warden, or other officer in charge of the institution, from which such convict was received or to which the superintendent of state prisons may direct that he be transferred, such convict shall forthwith be transferred to the institution from which he came by the medical superintendent of the hospital, or, if received from one of the state prisons, to such state prison as the superintendent of state prisons may direct; and the agent and warden or other officer in charge of such institution shall receive such convict into such institution, and shall, in all respects, treat him as when originally sentenced to imprisonment. Any inmate not a convict, held upon an order of a judge, in a criminal proceeding, may be discharged therefrom, upon the superintendent's certificate of recovery, made to and approved by such court or judge.

§ 100. Certificate of conviction to be delivered to medical superintendent and copy filed.—Whenever any convict shall be transferred to the Matteawan State hospital, the agent and warden or other officer in charge of the prison, penitentiary, reformatory or other penal institution from which such convict is transferred, shall cause a correct copy of the original certificate of conviction of such convict to be filed in the office of the warden or officer in charge, and shall deliver the original certificate to the medical

superintendent of such hospital; and whenever any such convict shall be transferred to any penal institution from such hospital, as hereinbefore provided, the medical superintendent shall deliver to the agent and warden, or other officer in charge of such institution, such original certificate, which shall be filed in the clerk's office of the same.

§ 101. Transfers from state hospitals to Matteawan state hospital.—The commission may, by order in writing, transfer to the Matteawan state hospital, any insane inmate of a state hospital committed thereto upon the order of a court of criminal jurisdiction or of a judge or justice of such a court; or any patient who has previously been sentenced to a term of imprisonment in any penal institution, and who still manifests criminal tendencies or any such patient who has previously been an inmate of the Matteawan state hospital. From and after October first, nineteen hundred and four, all persons then inmates of the Matteawan state hospital, and all persons thereafter committed to its custody, shall be a charge upon the state. (*As amended by chapter 260 of the Laws of 1899, chapter 380 of the Laws of 1900, and chapter 525 of the Laws of 1904.*)

§ 102. Authority to recover for the support of patients.—The medical superintendent of the hospital is hereby authorized to recover for the support of any patient therein, chargeable under the law to other counties or penitentiaries, in an action to be brought, in the name of the people of the state of New York, against the county or penitentiary, for the maintenance of said patient.

§ 103. Tenure of office.—Nothing in this article shall be construed to affect the tenure of office of any of the present officers of the hospital.

§ 104. Communications with patients.—No person not authorized by law or by written permission from the superintendent of state prisons shall visit the Matteawan State hospital, or communicate with any patient therein without the consent of the medical superintendent; nor without such consent shall any person bring into or convey out of the Matteawan State hospital any letter or writing to or from any patient; nor shall any letter or writing be delivered to a patient, or if written by a patient, be sent from the Matteawan State hospital until the same shall

have been examined and read by the medical superintendent or some other officer of the hospital duly authorized by the medical superintendent. But communications addressed by such patient to the county judge or district attorney of the county from which he was sentenced, shall be forwarded, after examination by such medical superintendent, to their destination.

ARTICLE V.

LAWS REPEALED; WHEN TO TAKE EFFECT.

Section 110. Laws repealed.

111. When to take effect.

Section 110. Laws repealed.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

§ 111. When to take effect.—This chapter shall take effect on July first, eighteen hundred and ninety-six.

SCHEDULE OF LAWS REPEALED.

Revised Statutes, pt. 1, ch. 20, tit. 3....			All.
Laws of—	Chapter.	Section.	
1838.....	218.....	All.	
1874.....	446.....	All, except tit. 1, §§ 21, 22, 26.	
1875.....	264.....	All.	
1875.....	574.....	All.	
1876.....	121.....	All.	
1878.....	47.....	All.	
1878.....	86.....	All.	
1879.....	45.....	All.	
1879.....	280.....	All.	
1880.....	61.....	1	
1880.....	164.....	All.	
1881.....	49.....	All.	
1881.....	190.....	All.	
1883.....	193.....	All.	
1884.....	289.....	All.	
1884.....	515.....	All.	
1885.....	178.....	All.	
1885.....	462.....	All.	

Laws of—	Chapter.	Section.
1886.....	215.....	All.
1886.....	318.....	All.
1886.....	545.....	All.
1887.....	343.....	All.
1887.....	375.....	All.
1887.....	629.....	All.
1888.....	451.....	All.
1889.....	56.....	All.
1889.....	283.....	All.
1889.....	427.....	All.
1890.....	126.....	All.
1890.....	132.....	All.
1890.....	243.....	All.
1890.....	273.....	All.
1891.....	335.....	All.
1893.....	81.....	All.
1893.....	214.....	All.
1893.....	247.....	All.
1893.....	323.....	All.
1893.....	614.....	All.
1894.....	707.....	All.
1895.....	172.....	All.
1895.....	628.....	All except §§ 2, 3.
1895.....	855.....	All.

PAYMENTS OF PUBLIC MONEYS TO PRIVATE INSTITUTIONS.

AN ACT to authorize payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for care, support and maintenance.

Chapter 754, Laws of 1895.

Section 1. Boards of estimate and apportionment, common councils, boards of aldermen, boards of supervisors, town boards, boards of trustees of villages, and all other boards or officers of counties, cities, towns and villages, authorized to appropriate and raise money by taxation and make payments therefrom, are

hereby authorized in their discretion to appropriate and to raise money by taxation and to make payments from said moneys, and from any moneys received from any other source and properly applicable thereto, to charitable, eleemosynary, correctional and reformatory institutions wholly or partly under private control, for the care, support and maintenance of their inmates, of the moneys which are or may be appropriated therefor; such payments to be made only for such inmates as are received and retained therein pursuant to rules established by the state board of charities; except that boards of trustees of villages and town boards of towns in which there is no hospital located, and which are situated upon and adjoin the boundary line of a neighboring state, are hereby authorized in their discretion to appropriate and to raise money by taxation and to make payments from said moneys, and from any moneys received from any other source and properly applicable thereto, to hospitals in such adjoining state for the purpose of maintaining a bed or beds in such hospital for the benefit of and to be used exclusively by the inhabitants of such village or town. Boards of trustees of villages and town boards of towns situate upon the boundary line of a neighboring state, which have appropriated and raised money by taxation for the purpose of maintaining a bed or beds in a hospital in such adjoining state and have not paid the same are hereby authorized to use said money for the purpose for which it was appropriated and raised. Payments to such hospital in an adjoining state shall be made only for such inmates as are received and retained therein pursuant to rules established by the state board of charities. (*As amended by chapter 155 of the Laws of 1902.*)

PROPERTY AND FAMILIES OF ABSCONDING PERSONS.

AN ACT in relation to the property and families of absconding persons.

Chapter 304, Laws of 1878.

Section 1. Whenever the father, or the mother being a widow or living separate from her husband, has absconded or shall abscond from his or her children or a husband from his wife, leaving any of such children or such wife chargeable, or likely

to become chargeable upon the public for their support, and any real or personal estate of such father, or mother, or husband, has been or shall be seized by a superintendent of the poor or an overseer of the poor, or by a board of charities (or by other officers authorized to make such seizures), by warrant of the justices of the peace of the county where such real or personal property may be situated, and the court of sessions of the county wherein such superintendent or overseer of the poor or board of charities, or other officers authorized to make such seizure resides, has confirmed, or shall confirm said warrant and seizure and has heretofore directed, or shall hereafter direct what part of any of the said personal property shall be sold and how much if any of the proceeds of such sale and of the rents and profits of the real estate, if any, be applied toward the maintenance of the children or wife of the person so absconding, then the said superintendent or overseer of the poor, board of charities or other officers so authorized and directed, shall apply the said proceeds of sale of said personal property, or rents and profits of the real estate (as the case may be): First, to the payment of such taxes and assessments as may be outstanding and existing liens upon the said real estate, and repairs necessary to be made upon said real estate; and premiums for insurance on the buildings on said real estate and the balance, if any, directly to the maintaining, bringing up and providing for the wife, child or children so left and abandoned, as the same may be required from time to time; and for all of such expenditures they shall take proper vouchers, and from the rents and profits thereafter received from any real estate so seized they shall first pay all legal taxes and assessments, as they shall be assessed against said real estate and such premiums for insurances and expenses for such repairs thereon as they may deem necessary for the protection and preservation of said real estate, and the balance of said rents and profits shall be applied by said overseers, superintendents, boards of charities, or other persons authorized to make such seizures, to the maintaining, bringing up, and providing for the wife, child, or children so left and abandoned, and proper vouchers shall be taken thereof.

§ 2. Whenever any child or children, entitled to the benefits provided by this act, shall be a minor or minors whose mother is dead and whose father has absconded from his

children, or whose mother, being a widow or living apart from her husband, has absconded from her children, and such minor or minors shall have no guardian, the court of sessions having jurisdiction of this matter shall appoint some suitable person guardian ad litem or next friend of such minor or minors, whose duty it shall be to see that the provisions of this act are carried into effect. The proceeds of the sale of said personal property and the rents and profits of said real estate shall not be mingled or placed with any other funds held or owned by the officer or officers receiving the same, but shall be kept separate and distinct. Such superintendent, overseer of the poor, board of charities or other authorized officer shall give security for the faithful performance of the duties hereby imposed in such form and in such sum as the aforesaid court may direct, and shall account to the court of sessions for all moneys so received by them and for the application thereof from time to time and may be compelled by the said court to render such account at any time.

§ 3. Notice of such accounting shall be given to the wife or children, so left and abandoned, as the case may be, and to the guardian of such children, if any of them be minors. And in the event that no guardian or next friend has been appointed, as hereinbefore provided, the said court shall, prior to such accounting being had, appoint some suitable person to attend upon such accounting in behalf of said minors, and notice of such appointment and of such accounting shall be given to the persons so appointed.

§ 4. All penalties received from the prosecution of any recognizance given by any person who shall have abandoned or neglected his wife or children, or who shall have threatened to run away and leave his wife or children a burden on the public, shall be retained by the officer at whose instance such recognizance was prosecuted, and applied for the same purpose and in the same manner as in the first section of this act provided for the disposition of the proceeds of the sales of personal property and the rents and profits of real estate seized under the provisions of this act.

PROCEEDINGS RESPECTING VAGRANTS.

Title VI of Part VI of the Code of Criminal Procedure.

Section 887. Who are vagrants.

887a. Tramp defined.

888. Proceedings before magistrate.

889. Examination as to residence.

890. Peace officers, when required by any person, to carry vagrant before a magistrate for examination.

891. Vagrant, when to be convicted; form of certificate of conviction.

892. Certificate to constitute record of conviction, and to be filed; commitment of vagrants.

893. Children begging, how disposed of.

894. Arrest of vagrants.

895. Private citizen may do so, without warrant.

896. Peace officer may require aid; duty of persons required to aid him.

897. Neglect or refusal to aid peace officer, without lawful cause, a misdemeanor. Punishment.

898. Magistrate may depute an elector of the county to make arrest of a person disguised. If his name be not known, fictitious name may be used.

Section 887. Who are vagrants.—The following persons are vagrants:

1. A person who, not having visible means to maintain himself, lives without employment;

2. A person who, being an habitual drunkard, abandons, neglects, or refuses to aid in the support of his family;

3. A person who has contracted an infectious or other disease, in the practice of drunkenness or debauchery, requiring charitable aid to restore him to health;

4. A common prostitute, who has no lawful employment, whereby to maintain herself;

5. A person wandering abroad and begging, or who goes about from door to door, or places himself in the streets, highways, passages, or other public places, to beg or receive alms;

6. A person wandering abroad and lodging in taverns, groceries, ale-houses, watch or station-houses, outhouses, market places, sheds, stables, barns or uninhabited buildings, or in the open air, and not giving a good account of himself;

7. A person, who, having his face painted, discolored, covered or concealed, or being otherwise disguised, in a manner calculated to prevent his being identified, appears in a road or public highway, or in a field, lot, wood or inclosure;

8. Any child between the age of five and fourteen, having sufficient bodily health and mental capacity to attend the public schools, found wandering in the streets or lanes of any city or incorporated village, a truant, without any lawful occupation.

9. Every male person who lives wholly or in part on the earnings of prostitution, or who in any public places solicits for immoral purposes. A male person who lives with or is habitually in the company of a prostitute and has no visible means of support, shall be deemed to be living on the earnings of prostitution.

(Added by chapter 281 of the Laws of 1900.)

§ 887a. Tramp defined.—A tramp is any person, not blind, over sixteen years of age, and who has not resided in the county in which he may be at any time for a period of six months prior thereto, who

1. Not having visible means to maintain himself, lives without employment; or

2. Wanders abroad and begs, or goes about from door to door, or places himself in the streets, highways, passages or public places to beg or receive alms; or

3. Wanders abroad and lodges in taverns, groceries, ale-houses, watch or station houses, outhouses, market places, sheds, stables, barns or uninhabited buildings, or in the open air, and does not give a good account of himself.

(Added by chapter 664 of the Laws of 1898.)

§ 888. Proceedings before magistrate.—When complaint is made to any magistrate by any citizen or peace officer against any vagrant under subdivision eight of the last section, such magistrate must cause a peace officer to bring such child before him for examination, and shall also cause the parent, guardian

or master of such child, if the child has any, to be summoned to attend such examination. If thereon the complaint shall be satisfactorily established, the magistrate must require the parent, guardian or master to enter into an engagement in writing to the corporate authorities of the city or village, that he will restrain such child from so wandering about, will keep him in his own premises, or in some lawful occupation and will cause him to be sent to some school at least four months in each year until he becomes fourteen years old. The magistrate may, in his discretion, require security for the faithful performance of such engagement. If the child has no parent, guardian or master, or none can be found, or if the parent, guardian or master refuse or neglect, within a reasonable time, to enter into such engagement, and to give such security, if required, the magistrate shall make the like disposition of such child as is authorized to be made by section two hundred and ninety-one of the Penal Code, of children coming within the descriptions therein mentioned. (*As amended by chapter 220 of the Laws of 1888.*)

§ 889. Examination as to residence.—When complaint is made to any magistrate by any citizen or peace officer against a person under sections one, five or six of section eight hundred and eighty-seven, the magistrate must, upon the examination of such person, cause testimony to be taken as to his residence, and if it appears that such person has not resided in the county for a period of six months prior to his arrest, such magistrate shall not commit such person as a vagrant, as provided by this article; but if he finds that such person is guilty of an offense charged in one of such subdivisions, and such person is not blind or under sixteen years of age, the magistrate shall adjudge him to be a tramp, and commit him to a penitentiary, as required by law. On such examination the uncorroborated testimony of the defendant as to his place of residence shall not be deemed sufficient proof thereof. (*Added by chapter 664 of the Laws of 1898.*)

§ 890. Peace officers, when required by any person, to carry vagrant before a magistrate for examination.—A peace officer must, when required by any person, take a vagrant before a justice of the peace or police justice of the same city, village or

town, or before the mayor, recorder, or city judge, or judge of the general sessions of the same city, for the purpose of examination.

§ 891. Vagrant, when to be convicted; form of certificate of conviction.—If the magistrate be satisfied, from the confession of the person so brought before him, or by competent testimony, that he is a vagrant, and has resided in the county for a period of six months prior to his arrest, he must convict him, and must make and sign, with his name of office, a certificate substantially in the following form:

“I certify that A B, having been brought before me, charged with being a vagrant, I have only examined the charge, and that upon his confession in my presence (or ‘upon the testimony of C. D.’ et cetera, naming the witnesses), by which it appears that he is a person (pursuing the description contained in the subdivision of section eight hundred and eighty-seven, which is appropriate to the case), and (if convicted under subdivisions one, five or six of section eight hundred and eighty-seven) that he has resided in the county of.....for a period of six months immediately prior to his arrest, I have adjudged that he is a vagrant.

“Dated at the town (or city) of, the.....day of, 18..

“E F,

“Justice of the peace of the town of.....” (or as the case may be). (*As amended by chapter 664 of the Laws of 1898*).

§ 892. Certificate to constitute record of conviction, and to be filed; commitment of vagrants.—The magistrate must immediately cause the certificate which constitutes the record of conviction, together with the testimony taken before him as to the residence of such vagrant, to be filed in the office of the clerk of the county, and must, by a warrant signed by him, with his name of office, commit the vagrant, if not a notorious offender and a proper object for such relief, to the county poorhouse, if there be one, or to the almshouse or poorhouse of the city, village or town, for not exceeding six months at hard labor, or, if the vagrant be an improper person to be so committed, he must be committed for a like term to the county jail. In those counties of the state

where the distinction between county poor and town poor is maintained, the expense of the conviction and maintenance during the commitment of any vagrant committed to any one of the places of confinement above specified, who shall, at the time of such commitment, have obtained a legal settlement in one of the towns of the county in which said persons shall be convicted, shall be a charge upon the town where they may reside at the time of such commitment. (*As amended by chapter 664 of the Laws of 1898.*)

§ 893. Repealed by section 5, chapter 220 of the Laws of 1888.

§ 894. Arrest of vagrants.—It is the duty of every peace officer of the county, city, village, or town, where a person described in the seventh subdivision of section eight hundred and eighty-seven is found, to arrest and take him before a magistrate mentioned in section eight hundred and eighty-eight, to be proceeded against as a vagrant. (*As amended by chapter 360 of the Laws of 1882.*)

§ 895. Private citizen may do so without warrant.—A private citizen of the county may also, without warrant, exercise the powers conferred upon a peace officer by the last section.

§ 896. Peace officer may require aid. Duty of persons required to aid him.—In the execution of the duties imposed by section eight hundred and ninety-four, the peace officer may command the aid of as many male inhabitants of his county, city, village or town, as he may think proper; and a citizen so commanded, may provide himself or be provided, with such means and weapons as the officer giving the command may designate.

§ 897. Neglect or refusal to aid peace officer, without lawful cause, a misdemeanor. Punishment.—A person commanded to aid the officer, as prescribed in the last section, and who without lawful cause refuses or neglects to do so, is guilty of a misdemeanor, and is punishable by a fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding one year, or both.

§ 898. Magistrate may depute an elector of the county to make arrest of person disguised. If his name be not known, fictitious name may be used.—A magistrate to whom complaint is made against a person charged as a vagrant, as described in the seventh subdivision of section eight hundred and eighty-seven, may, by a warrant, signed by him with his name of office, depute an elector of the county to arrest and bring the vagrant before him, to

answer the complaint; and if the name of the person complained of be not known, he may be described in the warrant and in all subsequent proceedings thereon, by a fictitious name.

PUBLIC HEALTH LAW.

Chapter 661, Laws of 1893.

ARTICLE II.

RELIEF OF INDIANS.

§ 30-a. Relief of indigent Indians in case of epidemic.—Whenever an epidemic of a contagious or infectious disease shall prevail among the Indians of any nation, tribe or band in this state, the overseer of the poor of any town in which the reservation of such nation, tribe or band, is wholly or partly situated, may in accordance with rules and regulations adopted by the state commissioner of health, cause needed medical attendance, provisions and maintenance to be furnished to any indigent Indian residing in the town, who, or a member of whose family, is afflicted with such disease while such disease shall continue; and the cost thereof after being audited as herein provided shall be a state charge. A verified statement of any expenses incurred under this section shall be transmitted by the overseer of the poor to the state commissioner of health. Such commissioner shall examine into the matter, and if satisfied that such expenses were properly and necessarily incurred in accordance with the rules and regulations of the state commissioner of health, shall audit and allow the same, and when so audited, the amount thereof shall be paid by the state treasurer on the warrant of the comptroller to such overseer of the poor. (*Added by chapter 303 of the Laws of 1905.*)

ARTICLE XII.

REGISTRATION OF NURSES.

§ 206. Who may practice as registered nurses.—Any resident of the state of New York, being over the age of twenty-one years and of good moral character holding a diploma from a training

school for nurses connected with a hospital or sanitarium giving a course of at least two years, and registered by the regents of the university of the state of New York as maintaining in this and other respects proper standards, all of which shall be determined by the said regents, and who shall have received from the said regents a certificate of his or her qualifications to practice as a registered nurse, shall be styled and known as a registered nurse, and no other person shall assume such title, or use the abbreviation R. N. or any other words, letters or figures to indicate that the person using the name is such a registered nurse. Before beginning to practice nursing every such registered nurse shall cause such certificate to be recorded in the county clerk's office of the county of his or her residence with an affidavit of his or her identity as the person to whom the same was so issued and of his or her place of residence within such county. In the month of January, nineteen hundred and six, and in every thirty-sixth month thereafter, every registered nurse shall again cause his or her certificate to be recorded in the said county clerk's office, with an affidavit of his or her identity as the person to whom the same was issued, and of his or her place of residence at the time of such re-registration. Nothing contained in this act shall be considered as conferring any authority to practice medicine or to undertake the treatment or cure of disease in violation of article eight of this chapter. (*Added by chapter 293 of the Laws of 1903.*)

§ 207. Board of examiners; examination; fees.—Upon the taking effect of this act, the New York State Nurses' association shall nominate for examiners ten of their members who have had not less than five years' experience in their profession, and at each annual meeting of said association thereafter, two other candidates. The regents of the university of the state of New York shall appoint a board of five examiners from such list. One member of said board shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years. Upon the expiration of the term of office of any examiner the said regents shall likewise fill the vacancy for a term of five years and until his or her successor is chosen. An unexpired term of an examiner caused by death, resignation or otherwise, shall be filled by the regents in the same manner as an original appointment is made. The said regents, with the advice of the

board of examiners above provided for, shall make rules for the examination of nurses applying for certification under this act, and shall charge for examination and for certification a fee of five dollars to meet the actual expenses, and shall report annually their receipts and expenditures under the provisions of this act, to the state comptroller, and pay the balance of receipts over expenditures to the state treasurer. The said regents may revoke any such certificate for sufficient cause after written notice to the holder thereof and hearing thereon. No person shall thereafter practice as a registered nurse under any such revoked certificate. (*Added by chapter 293 of the Laws of 1903.*)

§ 208. Waiver of examinations.—The regents of the University of the State of New York, may upon the recommendation of said board of examiners, waive the examination of any persons possessing the qualifications mentioned in section two hundred and six, who shall have been graduated before, or who are in training at the time of, the passage of this act and shall hereafter be graduated, and of such persons now engaged in the practice of nursing as have had three years' experience in a general hospital prior to the passage of this act, who shall apply in writing for such certificate within three years after the passage of this act, and shall also grant a certificate to any nurse of good moral character, who has been engaged in the actual practice of nursing for not less than three years next prior to the passage of this act who shall satisfactorily pass an examination in practical nursing within three years hereafter. (*Added by chapter 293 of the Laws of 1903.*)

§ 209. Violations of this article.—Any violation of this article shall be a misdemeanor. When any prosecution under this article is made on the complaint of the New York State Nurses' association, the certificate of incorporation of which was filed and recorded in the office of the secretary of state on the second day of April, nineteen hundred and two, the fines collected shall be paid to said association and any excess in the amount of fines so paid over the expenses incurred by said association in enforcing the provisions of this article shall be paid at the end of each year to the treasurer of the state of New York. (*Added by chapter 293 of the Laws of 1903.*)

PRESERVATION OF THE HEALTH OF CHILDREN IN INSTITUTIONS.

* * * * *

Section 213. Examination and quarantine of children admitted to institutions for orphans, destitute or vagrant children or juvenile delinquents.—Every institution in this state, incorporated for the express purpose of receiving or caring for orphan, vagrant or destitute children or juvenile delinquents, except hospitals, shall have attached thereto a regular physician of its selection duly licensed under the laws of the state and in good professional standing, whose name and address shall be kept posted conspicuously within such institution near its main entrance. The words “juvenile delinquents” here used shall include all children whose commitment to an institution is authorized by the penal code. The officer of every such institution upon receiving a child therein, by commitment or otherwise, shall, before admitting it to contact with the other inmates, cause it to be examined by such physician, and a written certificate to be given by him, stating whether the child has diphtheria, scarlet fever, measles, whooping cough or any other contagious or infectious disease, especially of the eyes and skin, which might be communicated to other inmates and specifying the physical and mental condition of the child, the presence of any indication of hereditary or other constitutional disease, and any deformity or abnormal condition found upon the examination to exist. No child shall be so admitted until such certificate shall have been furnished, which shall be filed with the commitment or other papers on record in the case, by the officers of the institution, who shall, on receiving such child, place it in strict quarantine thereafter from the other inmates, until discharged from such quarantine by such physician, who shall thereupon indorse upon the certificate the length of quarantine and the date of discharge therefrom. (*As amended by chapter 667 of the Laws of 1900.*)

§ 214. Monthly examination of inmates and reports.—Such physician shall at least once a month thoroughly examine and inspect the entire institution, and report in writing, in such form as may be approved by the state board of health, to the board of managers or directors of the institution, and to the local board

of the district or place where the institution is situated, its condition, especially as to its plumbing, sinks, water-closets, urinals, privies, dormitories, the physical condition of the children, the existence of any contagious or infectious disease, particularly of the eyes or skin, their food, clothing and cleanliness, and whether the officers of the institution have provided proper and sufficient nurses, orderlies, and other attendants of proper capacity to attend to such children, to secure to them due and proper care and attention as to their personal cleanliness and health, with such recommendations for the improvement thereof as he may deem proper. Such boards of health shall immediately investigate any complaint against the management of the institution or of the existence of anything therein dangerous to life or health, and, if proven to be well founded, shall cause the evil to be remedied without delay. (*As amended by chapter 667 of the Laws of 1900.*)

§ 215. Beds; ventilation.—The beds in every dormitory in such institution shall be separated by a passageway of not less than two feet in width, and so arranged that under each the air shall freely circulate and there shall be adequate ventilation of each bed, and such dormitory shall be furnished with such means of ventilation as the local board of health shall prescribe. In every dormitory six hundred cubic feet of air space shall be provided and allowed for each bed or occupant, and no more beds or occupants shall be permitted than are thus provided for, unless free and adequate means of ventilation exist approved by the local board of health, and a special permit in writing therefor be granted by such board, specifying the number of beds or cubic air space which shall, under special circumstances, be allowed, which permit shall be kept conspicuously posted in such dormitory. The physician of the institution shall immediately notify in writing the local board of health and the board of managers or directors of the institution of any violation of any provision of this section. (*As amended by chapter 667 of the Laws of 1900.*)

§ 216. Baby farming.—No person shall receive or board more than two infants under three years of age in the same place at the same time, unless accompanied by their parents, relatives or some person entitled to their custody, or unless within two days.

after the reception of every such infant beyond the first two, a license shall be duly issued by the mayor or board of health of the city, or by the board of health of the village or town where such infant is to be received or boarded, specifying the name and age of the child, and the name and place of residence of the person so undertaking its care, and authorizing such person to receive and board the same. The officers of every incorporated society for the prevention of cruelty to children may at all reasonable times enter and inspect the premises where such infants are so received, boarded or kept, and they shall see that the provisions of this section are duly enforced. This section shall not apply to corporations incorporated under the laws of this state for the purpose of receiving and caring for foundlings or abandoned or homeless infants. (*As amended by chapter 667 of the Laws of 1900.*)

§ 217. Cadavers.—The persons having lawful control and management of any hospital, prison, asylum, morgue, or other receptacle for corpses not interred, and every undertaker or other person having in his lawful possession any such corpse for keeping or burial may deliver and he is required to deliver, under the conditions specified in this section, every such corpse in their or his possession, charge, custody or control, not placed therein by relatives or friends in the usual manner for keeping or burial, to the medical colleges of the state authorized by law to confer the degree of doctor of medicine and to any university of the state having a medical preparatory course of instruction and the professors and teachers in every such college or university may receive any such corpse and use it for the purpose of medical study. No corpse shall be so delivered or received if desired for interment by relatives or friends within forty-eight hours after death, or if known to have relatives or friends without the assent of such relatives or friends; or of a person who shall have expressed a desire in his last illness that his body be interred, but the same shall be buried in the usual manner. If the remains of any person so delivered or received shall be subsequently claimed by any relative or friend, they shall be given up to such relative or friend for interment. Any person claiming any corpse or remains for interment as provided in this section, may be required by the persons, college, university or officer or agent thereof, in whose possession, charge or custody

the same may be to present an affidavit stating that he is such relative or friend, and the facts and circumstances upon which the claim that he is such relative or friend is based, the expense of which affidavit shall be paid by the persons requiring it. If such person shall refuse to make such affidavit, such corpse or remains shall not be delivered to him but he shall forfeit his claim and right to the same. Any such medical college or university desiring to avail itself of the provisions of this section shall notify such persons having the control and management of the institutions and places heretofore specified, and such undertakers and other persons having any such corpse in their possession, custody or control in the county where such college or university is situated, and in any adjoining county in which no medical college is situated of such desire, and thereafter all such persons shall notify the proper officers of such college or university whenever there is any corpse in their possession, custody or control, which may be delivered to a medical college or university under this section, and shall deliver the same to such college or university. If two or more medical colleges located in one county are entitled to receive corpses from the same county or adjoining counties, they shall receive the same in proportion to the number of matriculated students in each college. The professors and teachers in every college or university receiving any corpse under this section shall dispose of the remains thereof, after they have served the purposes of medical science and study, in accordance with the regulations of the local board of health where the college or university is situated. Every person neglecting to comply with or violating any provision of this section, shall forfeit to the local board of health where such non-compliance or violation occurred, the sum of twenty-five dollars for every such non-compliance or violation, to be sued for by the health officer of such place, and when recovered to be paid over, less the costs and expenses of the action, to such board for its use and benefit. (*As amended by chapter 667 of the Laws of 1900.*)

§ 218. Cadavers.—The governors, keepers, wardens, managers, or persons having lawful control and management of any hospital, prison, almshouse, asylum, morgue or other receptacle for corpses not interred in the counties of Onondaga, Oswego, Madi-

son and Cortland, and the warden of the Auburn state prison, in the county of Cayuga, and every undertaker or other person in the counties of Onondaga, Oswego, Madison and Cortland, having in his lawful possession any such corpses for keeping or burial, may deliver, and they are hereby required to deliver, under the conditions specified in this section, every such corpse in their or his possession, charge, custody or control, not placed therein by relatives or friends in the usual manner for keeping or burial, to the medical colleges or schools in said counties of Onondaga, Oswego, Madison and Cortland, authorized by law to confer either the degree of doctor of medicine, or the degree of doctor of dental surgery and to all other colleges or schools incorporated under the laws of the state in said counties for the purpose of teaching medicine, anatomy or surgery, and to any university in either of said counties having a medical preparatory course of instruction, and the professors and teachers in each such college, school or university may receive such corpses and use the same for the purposes of medical, anatomical or surgical science and study. No such corpse shall be so delivered if within forty-eight hours after death, it is desired for interment by relatives, or by friends, who will bear the expenses of its interment; nor shall a corpse be so delivered or received of any person known to have relatives, whose places of residence are also known, without the assent of such relatives; and such relatives shall be deemed to have assented thereto, unless they shall claim such corpse for the interment within twenty-four hours after being notified of the death of such person. If the remains of any person so delivered or received shall be subsequently claimed for interment by any relative or by any friend who will bear the expense of such interment, they shall be given up to such relative or friend for interment. Any person claiming any corpse or remains for interment, as provided in this section, may be required by the persons, college, school, university or officer or agent thereof, in whose possession, charge or custody the same may be, to present an affidavit stating that he is such relative or friend, and the facts and circumstances upon which the claim that he is such relative or friend is based, and, if a friend, that he will bear the expense of such interment, the expense of which affidavit shall be paid by the person

requiring it. If such person shall refuse to make such affidavit, such corpse or remains shall not be delivered to him, but he shall forfeit his claim and right to the same. Any such college, school or university in either of said counties desiring to avail itself of the provisions of this section shall notify said governors, keepers, wardens, managers, undertakers and other persons hereinbefore specified in the county where said college, school or university is situated, or in any of said adjoining counties, in which no such college, school or university is situated of such desire, and thereafter it shall be obligatory upon such governors, keepers, wardens, managers, undertakers and other persons hereinbefore specified, to immediately notify the proper officer or officers of said college, school or university, whenever there is any corpse in their possession, charge, custody or control, which may be delivered to a medical college, school or university under this section, and to deliver the same to such college, school or university. It shall be the duty of such governors, keepers, wardens, managers and persons having lawful control and management of the institutions hereinbefore mentioned, after being duly notified by any college, school or university of its desire to avail itself of the provisions of this section, to keep, if requested so to do by such college, school or university, and if provided by such medical college, school or university with a suitable book for that purpose, a true and correct record of any and all corpses thereafter coming into their possession, charge, custody, or control, and of the disposition made of the same, giving the name of such corpses, if known; the dates of death and burial, if known; the names and places of residence, if known, of the relatives of such corpses; the names of the persons by whom such corpses are claimed for interment and the names of the colleges, schools, universities, or persons, to whom the same are delivered, and the dates of such deliveries; which said books shall be open to the inspection of the officers and agents of such college, school or university furnishing the same and to the officers and agents of any other medical college, school or university entitled to receive corpses from the same county. If two or more colleges, schools or universities located in any one of said counties are entitled to receive corpses from the same or from said adjoining counties, they shall receive the same in proportion to the number

of matriculated students in each college. The professors and teachers in every college, school or university receiving any corpse under this section, shall dispose of the remains thereof, after they have served the purposes of medical, anatomical, or surgical science and study, in accordance with the regulations of the local board of health where the college, school or university is situated. Any person neglecting to comply with or violating any provision of this section, shall forfeit and pay a penalty of twenty-five dollars for each and every such noncompliance or violation thereof, and it shall be the duty of the health officer, or person performing his duties, in the places where said medical colleges, schools or universities are situated, whenever he shall have knowledge or information of any non-compliance with, or violation of, any provision, or provisions, of this section, to sue for and recover, in his name of office, the aforesaid penalty, and to pay over the amount so recovered, less the cost and expenses of the action, to the health board of said locality, for its use and benefit. (*Added by chapter 302 of the Laws of 1896, and amended by chapter 667 of the Laws of 1900.*)

* ESTABLISHMENT OF HOSPITALS FOR CONSUMPTIVES.

§ 218a. Consents requisite to the establishment of hospitals or camps for the treatment of pulmonary tuberculosis.—A hospital, camp or other establishment for the treatment of patients suffering from the disease known as pulmonary tuberculosis, shall not be established in any town by any person, association, corporation or municipality, unless the board of supervisors of the county, and the town board of the town, shall each adopt a resolution authorizing the establishment thereof, and describing the limits of the locality in which the same may be established. (*Added by chapter 638 of the Laws of 1903.*)

ANTI-BUTTERINE LAW.

AN ACT to prevent the use of butterine, oleomargarine or adulterated or imitation dairy products in certain institutions within this state.

Chapter 364, Laws of 1893.

Section 1. Expenditures for products, etc., forbidden.—No money appropriated by law for maintenance and support in whole or in part of a state institution; nor money received by a charitable, benevolent, penal or reformatory institution from the state, or from a county, city or town thereof, or appropriated by such county, city or town for the maintenance or support in whole or in part of such institution; nor money belonging to or used for the maintenance or support of such institution, shall be expended for the purchase of, or in payment for, butterine, oleomargarine, lard cheese, or articles or products in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream from the same, which articles or products have been rendered or manufactured in whole or in part from animal fats, or animal or vegetable oils not produced from unadulterated milk or cream from the same.

§ 2. Purchase, sale and use of products, etc., prohibited.—No officer, manager, superintendent or agent of an institution mentioned in the first section of this act, shall purchase for the use of such institution articles or products, for the purchase of which the money appropriated by law, or by a county, city or town, is forbidden to be used by this act, and no person shall sell to, or for the use of such institution, such articles or products. Nor shall such articles or products be used as articles of food or for cooking purposes in such institutions within this state.

THE DOMESTIC RELATIONS LAW.

Chapter 272, Laws of 1896.

ARTICLE VI.

THE ADOPTION OF CHILDREN.

Section 60. Definitions; effect of article.

61. Whose consent necessary.

62. Requisites of voluntary adoptions.

63. Order.

64. Effect of adoption.

65. Adoption from charitable institutions.

66. Abrogation of voluntary adoption.

Section 67. Application in behalf of the child for abrogation of an adoption from a charitable institution.

68. Application by a foster parent for the abrogation of such an adoption.

Section 60. Definitions; effect of article.—Adoption is the legal act whereby an adult takes a minor into the relation of child and thereby acquires the rights and incurs the responsibilities of parent in respect to such minor. Hereafter, in this article, the person adopting is designated the “foster parent.” A voluntary adoption is any other than that of an indigent child, or one who is a public charge from an orphan asylum or charitable institution. An adult unmarried person, or an adult husband or wife, or an adult husband and his adult wife together, may adopt a minor in pursuance of this article, and a child shall not hereafter be adopted except in pursuance thereof. Proof of the lawful adoption of a minor heretofore made may be received in evidence, and any such adoption shall not be abrogated by the enactment of this chapter and shall have the effect of an adoption hereunder. Nothing in this article in regard to an adopted child inheriting from the foster parent, applies to any will, devise or trust made or created before June twenty-fifth, eighteen hundred and seventy-three, or alters, changes or interferes with such will, devise or trust, and as to any such will, devise or trust, a child adopted before that date is not an heir so as to alter estates or trusts, or devises in wills so made or created.

§ 61. Whose consent necessary.—Consent to adoption is necessary as follows:

1. Of the minor, if over twelve years of age;
2. Of the foster parents, husband or wife, unless lawfully separated, or unless they jointly adopt such minor;
3. Of the parents or surviving parent of a legitimate child, and of the mother of an illegitimate child; but the consent of a parent who has abandoned the child, or is deprived of civil rights, or divorced because of his or her adultery or cruelty, or adjudged to be insane, or to be an habitual drunkard, or judicially deprived of the custody of the child on account of cruelty or neglect, is unnecessary.

4. Of a person of full age having lawful custody of the child, if any such person can be found, where the child has no father or mother living, or no father or mother whose consent is necessary under the last subdivision. If such child has no father or mother living, and no person can be found who has the lawful custody of the child, the judge or surrogate shall recite such facts in the order allowing the adoption.

§ 62. Requisites of voluntary adoptions.—In adoption the following requirements must be followed:

1. The foster parents or parent, the minor and all the persons whose consent is necessary under the last section, must appear before the county judge or the surrogate of the county where the foster parent or parents reside, and be examined by such judge or surrogate, except as provided by the next subdivision.

2. They must present to such judge or surrogate an instrument containing substantially the consents required by this chapter, an agreement on the part of the foster parent or parents to adopt and treat the minor as his, her, or their own lawful child, and a statement of the age of the child as nearly as the same can be ascertained, which statement shall be taken *prima facie* as true. The instrument must be signed by the foster parent or parents and by each person whose consent is necessary to the adoption, and severally acknowledged by said persons before such judge or surrogate; but where a parent or person or institution having the legal custody of the minor resides in some other country, state or county, his or their written acknowledged consent, or the written acknowledged consent of the officers of such institution, certified as conveyances, are required to be certified to entitle them to record in a county in this state, is equivalent to his or their appearance and execution of such instrument. (*As amended by chap. 498 of the Laws of 1899.*)

§ 63. Order.—If satisfied that the moral and temporal interests of the child will be promoted thereby, the judge or surrogate must make an order allowing or confirming such adoption, reciting the reasons therefor, and directing that the minor shall thenceforth be regarded and treated in all respects as the child of the foster parent or parents. Such order, and the instrument

and consent, if any, mentioned in the last section must be filed and recorded in the office of the county clerk of such county.

It is not required by the statute that the judge or surrogate shall witness by his signature the consent of the parties adopting the child; it is sufficient if the order recites that the parties appeared before him and that they signed the necessary consents. *Supreme Court, December 30, 1891, People ex rel. Burns v. Bloedel*, 42 N. Y. St. Rep. 453; 16 N. Y. Supp. 837.

§ 64. Effect of adoption.—Thereafter the parents of the minor are relieved from all parental duties toward, and of all responsibility for, and have no rights over such child, or to his property by descent or succession. Where a parent who has procured a divorce, or a surviving parent, having lawful custody of a child, lawfully marries again, or where an adult unmarried person who has become a foster parent and has lawful custody of a child, marries, and such parent or foster parent consents that the person who thus becomes the stepfather or the stepmother of such child, may adopt such child, such parent or such foster parent, so consenting, shall not thereby be relieved of any of his or her parental duties toward, or be deprived of any of his or her rights over said child, or to his property by descent or succession. The child takes the name of the foster parent. His rights of inheritance and succession from his natural parents remain unaffected by such adoption. The foster parent or parents and the minor sustain toward each other the legal relation of parent and child and have all the rights, and are subject to all the duties of that relation, including the right of inheritance from each other, except as the same is affected by the provisions in this section in relation to adoption by a stepfather or stepmother, and such right of inheritance extends to the heirs and next of kin of the minor, and such heirs and next of kin shall be the same as if he were the legitimate child of the person adopting, but as respects the passing and limitation over of real or personal property dependent under the provisions of any instrument on the foster parent dying without heirs, the minor is not deemed the child of the foster parent so as to defeat the rights of remaindermen. (*As amended by chap. 408 of Laws of 1897, § 1.*)

§ 65. Adoption from charitable institutions.—Where an orphan asylum or charitable institution is authorized to place children

for adoption, the adoption of every such child shall, when practicable, be given to persons of the same religious faith as the parents of such child. The adoption shall be effected by the execution of an instrument containing substantially the same provisions as the instrument provided in this article for voluntary adoption, signed and sealed in the corporate name of such corporation by the officer or officers authorized by the directors thereof to sign the corporate name to such instruments, and signed by the foster parent or parents and each person whose consent is necessary to the adoption; and may be signed by the child, if over twelve years of age, all of whom shall appear before the county judge or surrogate of the county where such foster parents reside and be examined, except that such officers need not appear and such judge or surrogate may thereupon make the order of adoption provided by this article. Such instrument and order shall be filed and recorded in the office of the county clerk of the county where the foster parent resides and the adoption shall take effect from the time of such filing and recording.

§ 66. Abrogation of voluntary adoption.—A minor may be deprived of the rights of a voluntary adoption by the following proceedings only: The foster parent, the minor and the persons whose consent would be necessary to an original adoption, must appear before the county judge or surrogate of the county where the foster parent resides, who shall conduct an examination as for an original adoption. If he is satisfied that the abrogation of the adoption is desired by all parties concerned, and will be for the best interests of the minor, the foster parent, the minor, and the persons whose consent would have been necessary to an original adoption shall execute an agreement, whereby the foster parent and the minor agree to relinquish the relation of parent and child and all rights acquired by such adoption, and the parents or guardian of the child or the institution having the custody thereof, agree to reassume such relation. The judge or surrogate shall indorse, upon such agreement, his consent to the abrogation of the adoption. The agreement and consent shall be filed and recorded in the office of the county clerk of the county where the foster parent resides, and a copy thereof filed

and recorded in the office of the county clerk of the county where the parents or guardians reside, or such institution is located, if they reside, or such institution is located, within this state. From the time of the filing and recording thereof, the adoption shall be abrogated, and the child shall reassume its original name and the parents or guardians of the child shall reassume such relation. Such child, however, may be adopted directly from such foster parents by another person in the same manner as from parents, and as if such foster parents were the parents of such child.

§ 67. Application in behalf of the child for abrogation of an adoption from a charitable institution.—A minor who shall have been adopted in pursuance of this chapter or of any act repealed thereby, from an orphan asylum or charitable institution, or any corporation which shall have been a party to the agreement by which such child was adopted, or any person on the behalf of such child, may make an application to the county judge or the surrogate's court of the county in which the foster parent then resides, for the abrogation of such adoption, on the ground of cruelty, misuseage, refusal of necessary provisions or clothing, or inability to support, maintain or educate such child, or of any violation of duty on the part of such foster parent toward such child; which application shall be by a petition setting forth the grounds thereof, and verified by the person or by some officer of the corporation making the same. A citation shall thereon be issued by such judge or surrogate in or out of such court, requiring such foster parent to show cause why the application should not be granted. The provisions of the code of civil procedure relating to the issuing, contents, time and manner of service of citations issued out of a surrogate's court, and to the hearing on the return thereof, and to enforcing the attendance of witnesses, and to all proceedings thereon, and to appeals from decrees of surrogate's courts, not inconsistent with this chapter, shall apply to such citation, and to all proceedings thereon. Such judge or court shall have power to order or compel the production of the person of such minor. If on the proofs made before him, on the hearing on such citation, the judge or surrogate shall determine that either of the grounds for

such application exists, and that the interests of such child will be promoted by granting the application, and that such foster parent has justly forfeited his right to the custody and services of such minor, an order shall be made and entered abrogating the adoption, and thereon the status of such child shall be the same as if no proceedings had been had for the adoption thereof. After one such petition against a foster parent has been denied, a citation on a subsequent petition against the same foster parent may be issued or refused in the discretion of the judge or surrogate to whom such subsequent petition shall be made.

§ 68. Application of the foster parent for the abrogation of such an adoption.—A foster parent who shall have adopted a minor in pursuance of this chapter or of any act repealed thereby, from an orphan asylum or charitable institution, may apply to the county judge or surrogate's court of the county in which such foster parent resides, for the abrogation of such adoption on the ground of the willful desertion of such child from such foster parent, or of any misdemeanor or ill-behavior of such child, which application shall be by petition, stating the grounds thereof, and the substance of the agreement of adoption, and shall be verified by the petitioner; and thereon a citation shall be issued by such judge or surrogate in or out of such court, directed to such child, and to the corporation which was a party to such adoption, or, if such corporation does not then exist, to the superintendent of the poor of such county, requiring them to show cause why such petition should not be granted. Unless such corporation shall appear on the return of such citation before the hearing thereon shall proceed, a special guardian shall be appointed by such judge or court to protect the interests of such child in such proceeding, and the foster parent shall pay to such special guardian such sum as the court shall direct for the purpose of paying the fees and the necessary disbursements in preparing for and contesting such application on behalf of the child. If such judge or surrogate shall determine, on the proofs made before him, on the hearing of such citation, that the child has violated his duty toward such foster parent, and that due regard to the interests of both require that such adoption be abrogated, an order shall be made and

entered accordingly; and such judge or court may make any disposition of the child, which any court or officer shall then be authorized to make of vagrant, truant or disorderly children. If such judge or surrogate shall otherwise determine an order shall be made and entered denying the petition.

ARTICLE VII.

APPRENTICES AND SERVANTS.

Section 70. Definitions; effect of article.

71. Contents of indenture.

72. Indenture by minor.

73. Indenture by poor officers.

74. Indenture by charitable corporation.

75. Penalty for failure of master or employer to perform provisions of indenture.

76. Assignment of indenture on death of master or employer.

77. Contract with apprentice in restraint of trade void.

Section 70. Definitions; effect of article.—The instrument whereby a minor is bound out to serve as a clerk or servant in any trade, profession or employment, or is apprenticed to learn the art or mystery of any trade or craft, is an indenture.

Every indenture made in pursuance of the laws repealed by this chapter shall be valid hereunder, but hereafter a minor shall not be bound out or apprenticed except in pursuance of this article.

To entitle a master to recover from a stranger the value of work and services performed for and rendered to him by one alleged to be an apprentice, a valid contract of apprenticeship must be established by the plaintiff. *Supreme Court, January, 1885, Barton v. Ford, 35 Hun, 32.*

§ 71. Consents to indenture.—Every indenture must contain:

1. The names of the parties;
2. The age of the minor as nearly as can be ascertained, which age on the filing of the indenture shall be taken prima facie to be the true age;
3. A statement of the nature of the service or employment to which the minor is bound or apprenticed;
4. The term of service or apprenticeship, stating the beginning and end thereof;

5. An agreement that the minor will not leave his master or employer during the term for which he is indentured;

6. An agreement that suitable and proper board, lodging and medical attendance for the minor during the continuance of the term shall be provided, either by the master or employer, or by the parent or guardian of the apprentice. (*As amended by chapter 448 of the Laws of 1899.*)

7. A statement of every sum of money paid or agreed to be paid in relation to the service;

8. If such minor is bound as an apprentice to learn the art or mystery of any trade or craft, an agreement on the part of the employer to teach, or to cause to be carefully and skillfully taught, to such apprentice, every branch of the business to which such apprentice is indentured, and that at the expiration of such apprenticeship he will give to such apprentice a certificate, in writing, that such apprentice has served at such trade or craft a full term of apprenticeship specified in such indenture;

9. If a minor is indentured by the poor officers of a county, city or town, or by the authorities of an orphan asylum, penal or charitable institution, an agreement that the master or employer will cause such child to be instructed in reading, writing and the general rules of arithmetic, and that at the expiration of the term of service he will give to such minor a new bible.

Every such indenture shall be filed in the office of the county clerk of the county where the master or employer resides.

§ 72. Indenture by minor; by whom signed.—Any minor may, by the execution of the indenture provided by this article, bind himself or herself:

1. As an apprentice to learn the art or mystery of any trade or craft for a term of not less than three nor more than five years; or,

2. As a servant or clerk in any profession, trade or employment for a term of service not longer than the minority of such minor, unless such indenture be made by a minor coming from a foreign country, for the purpose of paying his passage, when such indenture may be made for a term of one year although such term may extend beyond the time when such person will be of full age.

An indenture made in pursuance of this section must be signed,

1. By the minor;
2. By the father of the minor unless he is legally incapable of giving consent or has abandoned his family;
3. By the mother of the minor unless she is legally incapable of giving consent;
4. By the guardian of the person of the minor, if any;
5. If there be neither parents or guardians of the minor legally capable of giving consent, by the county judge of the county or a justice of the supreme court of the district, in which the minor resides; whose consent shall be necessary to the binding out or apprenticing in pursuance of this section of a minor coming from a foreign country or of the child of an Indian woman, in addition to the other consents herein provided;
6. By the master or employer.

§ 73. Indenture by poor officers; by whom signed.—The poor officers of a municipal corporation may, by an execution of the indenture provided by this article bind out or apprentice any minor whose support shall become chargeable to such municipal corporation.

In such case the indenture shall be signed,

1. By the officer or officers binding out or apprenticing the minor;
2. By the master or employer;
3. By the county judge of the county, if the support of such child was chargeable to the county, by two justices of the peace, if chargeable to the town, or by the mayor and aldermen or any two of them, if chargeable to the city.

The poor officers by whom a child is indentured and their successors in office, shall be guardians of every such child and shall inquire into the treatment thereof, and redress any grievance as provided by law.

The provision of the Revised Statutes (1 R. S. 617, § 15) declaring that a majority of the superintendents of the poor of a county "shall be at all times competent to transact business and to execute any powers vested in the board of superintendents" authorizes the majority to act, irrespective of and without consultation, with the minority.

The authority to bind minors as apprentices given to said superintendents (2 R. S. 134, § 5) may, therefore, be executed by a majority, without a meeting of or notice to all. *Court of Appeals, February, 1874, Johnson v. Dodd*, 58 N. Y. 76.

The government has the right to require the services of its citizens, minors as well as adults, for the public defense. It may dissolve the relation of master and apprentice existing by force of municipal regulations, and the obligation of service resulting from indentures executed under or sanctioned by local law.

The relation is dissolved by the acceptance of the apprentice into the military service of the government, although his enlistment was his voluntary act, not compelled by the government, and without the consent of the master; and the wages due the former for his service in the army as well as bounty money belong to him, to the exclusion of any claim thereto by the latter. *Id.*

A mother who has received temporary relief from the poor officers is not a person chargeable to the public, within the meaning of the statutes, allowing a child who, or whose parents, become chargeable, to be bound out. *Albany City Recorder, March, 1873, People ex rel. Heilbronner v. Hoster, 14 Abb. Pr. N. S. 414.*

Abandonment of a child by the father is the surrender of his parental right to the child's custody. *Court of Appeals, April, 1875, People ex rel. Wehle v. Weisenbach, 60 N. Y. 385.*

§ 74. Indenture by a charitable corporation; by whom signed.—Where an orphan asylum or charitable institution is authorized to bind out or apprentice dependent or indigent children committed to its charge, every such child shall, when practicable, be bound out or apprenticed to persons of the same religious faith as the parents of such child, and the indenture shall in such case be signed,

1. In the corporate name of such institution by the officer or officers thereof authorized by the directors to sign the corporate name to such instrument, and shall be sealed with the corporate seal;

2. By the master or employer; and

3. May be signed by the child, if over twelve years of age.

§ 75. Penalty for failure of master or employer to perform provisions of indenture.—If a master or employer to whom a minor has been indentured shall fail, during the term of service, to perform any provision of such indenture, on his part, such minor or any person in his behalf, may bring an action against the master or employer to recover damages for such failure; and if satisfied that there is sufficient cause, the court shall direct such indenture to be canceled, and may render judgment against such master or employer for not to exceed one thousand nor less than one hundred dollars, to be collected and paid over for the use and benefit of such minor to the corporation or

officers indenturing such minor, if so indentured, and otherwise, to the parents or guardian of the child.

§ 76. Assignment of indenture on death of master or employer.—On the death of a master or employer to whom a person is indentured by the poor officers of a municipal corporation, the personal representatives of the master or employer may, with the written and acknowledged consent of such person, assign such indenture and the assignee shall become vested with all the rights and subject to all the liabilities of his assignor; or if such consent be refused, the assignment may be made with like effect by the county judge of the county, on proof that fourteen days' notice of the application therefor has been given to the person indentured, to the officers by whom indentured, and to his parent or guardian, if in the country.

§ 77. Contracts with apprentices in restraint of trade void.—No person shall accept from any apprentice any agreement or cause him to be bound by oath, that after his term of service expires, he will not exercise his trade, profession or employment in any particular place; nor shall any person exact from any apprentice, after his term of service expires, any money or other thing, for exercising his trade, profession or employment in any place. Any security given in violation of this section shall be void; and any money paid, or valuable thing delivered, for the consideration, in whole or in part, of any such agreement or exaction, may be recovered back by the person paying the same with interest; and every person accepting such agreement, causing such obligation to be entered into, or exacting money or other thing, is also liable to the apprentice in the penalty of one hundred dollars, which may be recovered in a civil suit.

PLACING OUT CHILDREN.

AN ACT to prevent evils and abuses in connection with the placing out of children.

Chapter 264, Laws of 1898.

Section 1. When used in this act the term destitute child means an orphan, abandoned or destitute minor, under the age of sixteen years, who is an inmate of a public or private charitable

institution or is maintained by or dependent upon public or organized charity. The term place-out, when used in this act, means the placing of a destitute child in a family, other than that of a relative within the second degree, for the purpose of providing a home for such child. The term board, when used in this act, means the state board of charities.

§ 2. It is hereby made unlawful for any person or corporation, other than a charitable or benevolent institution, society or association, or society for the prevention of cruelty to children, now or hereafter duly incorporated under the laws of this state, or a local officer charged with the relief of the poor and placing out in the manner now provided by law, to place out any destitute child, directly or indirectly, unless such person or corporation shall be duly licensed, as hereinafter provided, by the state board of charities, to place out destitute children. Nor shall any local officer charged with the relief of the poor, directly or indirectly, place out any child or children in a family not residing within this state.

In *Supreme Court*, November, 1901, *People ex rel. Charles W. Spaulding v. The Board of Supervisors of Saratoga County*, 66 App. Div. 117, the court said: "That such resolution empowered the superintendent of the poor to employ Maybee to assist him in finding homes for indigent children, which was one of his official duties.

"That the duty of placing children in the homes found by Maybee devolved upon the superintendent of the poor and not upon Maybee, and, therefore, that the fact that Maybee was not licensed by the State Board of Charities to 'place out' children, as required by section 2 of chapter 284 of the Laws of 1898, did not render the contract of employment invalid."

Decision affirmed, 170 N. Y. 93, but order based upon decision, modified.

§ 3. The state board of charities is hereby authorized to issue licenses to such persons or corporations as apply therefor, and, in the judgment of said board, are proper to place-out children, empowering such licensees to place out destitute children. Any such license may be revoked by said board, in its discretion, on reasonable notice to such licensee and after affording such licensee an opportunity to be heard before said board. The reason for not granting any such license within six months after application has been made therefor, or for revoking a license, shall be entered in full in the minutes of said board.

§ 4. Any person or corporation who shall place out a destitute child shall keep and preserve a record of the full name and actual or apparent age of such child, the names and residence

of its parents, so far as known, and the name and residence of the person or persons with whom such child is placed. If such person or corporation shall subsequently remove such child from the custody of the person or persons with whom it was placed, the fact of such removal and the disposition made of such child shall be entered upon such record.

§ 5. The state board of charities, through any member, officer or duly authorized inspector of said board, is hereby authorized to visit, in its discretion, any child under the age of sixteen years, not legally adopted, placed out by any person or corporation mentioned in the second section of this act, or by any person licensed by said board to place out destitute children.

§ 6. In every case where practicable any child placed out shall be placed with individuals of like religious faith as the parents of the child.

§ 7. Whenever the state board of charities shall decide by the affirmative vote of a majority of its members that any person or corporation has placed out children for purposes of gain, or without due inquiry as to the character and reputation of the persons with whom such children are placed, and with the result that such children are subjected to cruel or improper treatment or neglect or immoral surroundings, the said board may issue an order prohibiting such person or corporation from thereafter placing out children. No such order shall be issued unless such person or corporation has had reasonable notice, with a copy of the charge, and an opportunity to be heard before said board, and a full record of the proceedings and decision on such hearings shall be kept by said board. Any such order issued by said board may be revoked by said board.

§ 8. Any person or corporation who may feel aggrieved by the decision of the state board of charities in issuing any order pursuant to the provisions of section seven of this act, may apply to any judge of the supreme court in the judicial district in which such person resides, or in which the chief office of such corporation is situated, for a writ of certiorari, and upon the return of such writ the reasonableness of such decision shall be subject to review by the supreme court of this state.

§ 9. Any person or corporation who shall willfully violate any of the provisions of this act or shall place out a child in viola-

tion of an order issued under the provisions of section seven of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty and of not more than two hundred and fifty dollars.

PERSONS PUNISHABLE FOR CRIME.

Title I of the Penal Code.

* * * * *
Section 12. Of sections declaring crimes punishable.
* * * * *

18. Presumption of responsibility in general as to child under seven years.

19. Id.; as to child seven years or more.

20, 21. Irresponsibility, etc., of idiot, lunatic, etc.

22. Intoxicated persons.

* * * * *
§ 12. Of sections declaring crimes punishable.—The several sections of this code which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment prescribed, but such court may in its discretion suspend sentence, during the good behavior of the person convicted, where the maximum term of imprisonment prescribed by law does not exceed ten years and such person has never been convicted of a felony. Courts of special sessions are empowered to suspend sentence and at any time within the longest period for which a defendant might have been sentenced, may issue process for the re-arrest of the defendant, and when arraigned the court as it is then constituted may proceed to enter judgment and impose sentence. In the case of children under sixteen years of age, at the time of conviction, the longest period of time after suspension of sentence within which a sentence may be imposed for such offense shall be one year; and in any proceeding of a criminal nature, triable before a magistrate, the magistrate upon conviction, may suspend sentence and place the offender under probation and at any time thereafter, during the longest period for which he could have been committed in the first instance, such magistrate, or his successor, if his term has expired, may

pronounce any judgment or sentence or impose any fine or other penalty, or make any commitment which might have been pronounced, imposed or made at the time the conviction was had. (*As amended by chapter 655 of the Laws of 1905.*)

* * * * *

§ 18. Presumption as to child under seven years.—A child under the age of seven years is not capable of committing crime.

The law does not define when a child becomes *sui juris*. *Court of Appeals, February, 1887, Kunz v. City of Troy*, 104 N. Y. 351; 5 St. Rep. 642.

A child not yet seven has not reached that age at which infants are generally supposed to be of full discretion or capable of crime of which laches and neglect are but degrees. *Court of Appeals, February, 1888, Moebus v. Herrman*, 108 N. Y. 353; 13 St. Rep. 648.

Infants under seven years of age are deemed incapable of committing crime, and by the common law such incapacity presumptively continues until the age of twelve. *Court of Appeals, June 4, 1889, Stone v. Dry Dock, etc.*, 115 N. Y. 109; 23 St. Rep. 551.

§ 19. Age of capability for crime. Age, how determined by examination. By record of baptism or birth. By family Bible.—A child of the age of seven years, and under the age of twelve years, is presumed to be incapable of crime, but the presumption may be removed by proof that he had sufficient capacity to understand the act or neglect charged against him and to know its wrongfulness. Whenever in any legal proceedings it becomes necessary to determine the age of a child, the child may be produced for personal inspection, to enable the magistrate, court or jury, to determine the age thereby; and the court or magistrate may direct an examination by one or more physicians, whose opinion shall also be competent evidence upon the question of age. A copy of the record of baptism of any child in any parish register, or register kept in a church, or by a clergyman thereof, or a certificate of baptism duly authenticated by the person in charge of such register, or who administered said baptism, and also a transcript of the record of birth recorded in any bureau of vital statistics or board of health, duly authenticated by its secretary or under its seal, and the entries made in a family Bible, shall also be competent evidence upon the question of the age. (*As amended by chapter 46 of the Laws of 1881 and chapter 145 of the Laws of 1888.*)

The Penal Code preserves the rule of the common law except that it fixes the age of twelve instead of fourteen as the time when the presumption

of incapacity ceases. *Court of Appeals, June 4, 1889, Stone v. Dry Dock, etc.*, 115 N. Y. 109; 23 St. Rep. 551.

On a criminal charge against an infant between the years of seven and twelve, the burden is on the prosecutor to show that the child has intelligence and maturity of judgment sufficient to render him capable of harboring a criminal intent. *Court of Appeals, June 4, 1889, Stone v. Dry Dock, etc.*, 115 N. Y. 109; 23 St. Rep. 551.

A jury has the right to determine from personal inspection, the age of a child at the time an offense is alleged to have been committed. *General Sessions, New York County, May, 1886, People v. Stott*, 4 N. Y. Cr. 308; *Supreme Court, May, 1885, People v. Platt*, 3 N. Y. Cr. 137. The latter case was reversed in 100 N. Y. 590, but upon another point. See also *Supreme Court, May 13, 1887, People v. Sheppard*, 9 St. Rep. 34; 44 Hun, 565; 5 N. Y. Cr. 136.

§ 20. Irresponsibility of idiot, lunatic, etc.—An act done by a person who is an idiot, imbecile, lunatic or insane is not a crime. A person cannot be tried, sentenced to any punishment, or punished for a crime while he is in a state of idiocy, imbecility, lunacy or insanity so as to be incapable of understanding the proceeding or making his defense. (*As amended by chapter 384 of the Laws of 1882.*)

The law presumes sanity in all cases. *New York County Court, Oyer and Terminer, December, 1881, People v. Coleman*, 1 N. Y. Cr. 5. The burden of overthrowing the presumption of sanity is upon the person who alleges the insanity. *Id.*

An insane man frequently deliberates, and after the most mature deliberation commits acts which, but for his insanity, would be crimes. *Court of Appeals, April, 1891, People v. Wood*, 126 N. Y. 267; 36 St. Rep. 863. The question always is, not did the party deliberate, but was he at the time insane within the legal definition of that term. *Id.*

An insane person cannot be lawfully punished for an act which was committed by him while in a state of insanity, or when he has become insane during or after a trial or conviction. *Court of Appeals, February 24, 1891, People v. McElvaine*, 125 N. Y. 600; 36 St. Rep. 181.

An insane person is incapable of crime. *New York County Court, Oyer and Terminer, December, 1881, People v. Coleman*, 1 N. Y. Cr. 2.

A lunatic is not criminally liable for his unlawful acts. *Supreme Court, October, 1892, d'Autremont v. Fire Association*, 48 St. Rep. 43; 65 Hun, 477; 20 N. Y. Supp. 345. But he is responsible civilly for any tort committed by him where a wrongful intent is not an essential thing to be proved. *Id.*

The species of insanity, called by some moral insanity, constitutes no defense for the commission of crime. *Court of Appeals, April, 1891, People v. Wood*, 126 N. Y. 268; 36 St. Rep. 963.

In a defense that the homicide was the unconscious and uncontrollable result of epileptic furor, the absence of motive is important, as bearing upon the issue so presented. *Court of Appeals, October, 1889, People v. Barber*, 115 N. Y. 475; 25 St. Rep. 184.

The doctrine that a criminal act may be excused upon the motion of an irresistible impulse to commit it, where the offender has the ability to discover his legal and moral duty in respect to it, has no place in the law. *Court of Appeals, October, 1881, Flanagan v. People*, 52 N. Y. 467; *Court of Appeals, April 13, 1886, People v. Carpenter*, 1 St. Rep. 642; 102 id. 250; 4 N. Y. Cr. 187; *Oyer and Terminer, New York County, July, 1873, People v. Walworth*, id. 395; *Court of Appeals, June, 1865, Willis v. People*, 32 N. Y. 717; *Court of Appeals, May, 1881, Moett v. People*, 85 id. 379; *New York County Court Oyer and Terminer, December, 1881, People v. Coleman*, 1 N. Y. Cr. 3.

When it is said that a prisoner must, at the time of the alleged criminal act, have sufficient capacity to distinguish between right and wrong with respect to such act, it is implied that he must have sufficient capacity to know whether such act is violation of the law of God, or of the land, or of both. *Court of Appeals, May, 1881, Moett v. People*, 85 N. Y. 380.

The test of responsibility is the capacity to distinguish between right and wrong at the time the act was done, and in respect thereto. *Supreme Court, December, 1883, People v. Casey*, 2 N. Y. Cr. 190. (Reversed in 2 N. Y. Cr. 194; *Court of Appeals, May, 1884, 96 N. Y. 115*, but on other grounds.) The law does not find irresponsibility where the claim is that such capacity exists, without the power to choose between them. *Id.*; *Court of Appeals, October, 1881, Flanagan v. People*, 52 N. Y. 467.

The test of responsibility for criminal acts, where insanity is asserted, is the capacity of the accused to distinguish between right and wrong at the time and with respect to the act which is the subject of inquiry. *New York County Court, Oyer and Terminer, December, 1881, People v. Coleman*, 1 N. Y. Cr. 2.

The true test of criminal responsibility, where the defense of insanity is interposed, is, whether the accused had sufficient reason to know the nature and quality of his act, and whether he has sufficient reason to know right from wrong. *Supreme Court, October, 1881, Walker v. People*, 1 N. Y. Cr. 14.

In order to sustain the defense of insanity, the evidence should be clear and substantial. *Supreme Court, October, 1881, Walker v. People*, 1 N. Y. Cr. 27. And if there is upon the whole evidence in the case any reasonable doubt, the accused is entitled to the benefit of that doubt and to an acquittal. *Id.*

The report of the Commissioners under sections 636 to 662 of Criminal Code will not prevent the accused from having the question as to sanity passed upon by a jury on the trial of the indictment. *Madison County Court of Oyer and Terminer, December, 1883, People v. Haight*, 13 Abb. N. C. 198. See *People v. Haight*, 3 N. Y. Cr. 61; *Court of General Sessions, New York County, October, 1884, People v. Rhinelander*, 2 id. 340.

§ 21. Irresponsibility, etc., of idiots, lunatics, etc.—A person is not excused from criminal liability as an idiot, imbecile, lunatic, or insane person, except upon proof that, at the time of committing the alleged criminal act, he was laboring under such a defect of reason, as either,

1. Not to know the nature and quality of the act he was doing;
or

2. Not to know that the act was wrong.

(*As amended by chapter 384 of the Laws of 1882.*)

The rule now established excludes consideration of the question as to whether the accused possessed sufficient mental power to forbear the commission of an act which he clearly perceived to be criminal. *Court of Appeals, June 6, 1893, People v. Taylor*, 52 St. Rep. 920; 138 N. Y. 407.

An insane delusion with reference to the conduct and attitude of another cannot excuse the criminal act of taking his life, unless it is of such a character, that if it had been true, it would have rendered the homicide excusable or justifiable. *Court of Appeals, June 6, 1893, People v. Taylor*, 52 St. Rep. 919; 138 N. Y. 406.

Partial insanity, or incipient insanity, is not sufficient, if there is still the ability to perform a correct perception of the legal quality of the act and to know that it is wrong. *Court of Appeals, June 6, 1893, People v. Taylor*, 52 St. Rep. 919; 138 N. Y. 407. If, when a specific act is contemplated, he has the power to know whether it is wrong to do it and right to refrain from doing it, the law presumes that the person has also the power to choose between the right and wrong course of action, and will not permit either courts or juries to speculate as to its possible non-existence. *Id.*

A desire for self-destruction and the adoption of means to secure it do not of themselves indicate a mental impairment which has advanced to the stage of irresponsibility, otherwise the law would not make the attempt to kill one's self a crime. *Court of Appeals, June 6, 1893, People v. Taylor*, 52 St. Rep. 920; 138 N. Y. 408.

See 1 St. Rep. 648; *Court of Appeals, April 13, 1886, People v. Carpenter*, 102 N. Y. 250; 4 N. Y. Cr. 187; *Madison County Court of Oyer, December, 1883, People v. Haight*, 3 id. 61; 13 Abb. N. C. 198; *Court of General Sessions, New York County, October, 1884, People v. Rhinelanders*, 2 N. Y. Cr. 340.

§ 22. Intoxicated person.—No act committed by a person while in a state of voluntary intoxication, shall be deemed less criminal by reason of his having been in such condition. But whenever the actual existence of any particular purpose, motive or intent is a necessary element to constitute a particular species or degree of crime, the jury may take into consideration the fact that the accused was intoxicated at the time, in determining the purpose, motive or intent with which he committed the act.

The law expressly declares that voluntary intoxication, though furnishing no excuse for a criminal act, may be considered by the jury upon the questions of intent and of the degree of crime. *Supreme Court, June, 1884, People v. Conroy*, 2 N. Y. Cr. 248; 33 Hun, 121. It may also be considered upon the question of deliberation. *Id.*

The jury have a right to consider the intoxicated condition of the accused. *Supreme Court, September, 1883, People v. Cassiano, 30 Hun, 388; 1 N. Y. Cr. 505.*

Intoxication does not absolutely tend to show an absence of premeditation and deliberation. *Court of Appeals, February, 1885, People v. Mills, 98 N. Y. 181; 3 N. Y. Cr. 187; 21 W. Dig. 137.* This is a question for the jury to determine. *Id.*

The only materiality of the evidence of the defendant's intoxication is its bearing upon the questions of deliberation, premeditation and intent. *Court of Appeals, January 13, 1891, People v. Fish, 125 N. Y. 146; 8 N. Y. Cr. 136; 34 St. Rep. 843.* If he was sober enough to form an intent and to deliberate and premeditate a crime, then his responsibility is the same as if he had been perfectly sober. *Id.* His condition in this respect must be taken into account in weighing the evidence as to meditation and deliberation. *Id.; Court of Appeals, October, 1881, Flanigan v. People, 86 N. Y. 554.*

ABANDONMENT AND OTHER ACTS OF CRUELTY TO CHILDREN.

Chapter III of Title X of the Penal Code.

Section 287. Abandonment of child under fourteen years.

287a. Abandonment of children.

288. Unlawfully omitting to provide for child.

289. Endangering life, health or morals of child.

290. Keepers of concert saloons, etc.

291. Children not to beg, etc.

292. Certain employment of a child.

292a. Penalty for sending messenger boys to certain places.

292b. Taking apprentice without consent of guardian.

293. Duty of officers of society.

Section 287. Abandonment of child under fourteen years.—A parent, or other person having the care or custody, for nurture or education, of a child under the age of fourteen years, who deserts the child in any place, with intent wholly to abandon it, is punishable by imprisonment in a state prison for not more than seven years. (*As amended by chapters 325 of the Laws of 1892, and 376 of 1903.*)

§ 287a. Abandonment of children.—A parent or other person charged with the care or custody for nurture or education of a child under the age of sixteen years, who abandons the child in

destitute circumstances and willfully omits to furnish necessary and proper food, clothing or shelter for such child is guilty of felony, punishable by imprisonment for not more than two years, or by a fine not to exceed one thousand dollars, or by both. In case a fine is imposed the same may be applied in the discretion of the court to the support of such child. Proof of the abandonment of such child in destitute circumstances and omission to furnish necessary and proper food, clothing or shelter is prima facie evidence that such omission is willful. The provisions of section seven hundred and fifteen of this code prohibiting the disclosure of confidential communications between husband and wife shall not apply to prosecutions for the offense here defined. A previous conviction or convictions of felony or misdemeanor shall not prevent the court from suspending sentence upon a conviction under this section, or from arbitrarily fixing the limit of imprisonment or fine, in case imprisonment or fine is imposed upon conviction herein.

§ 2. Nothing in this act contained shall be deemed or construed to repeal, amend, impair or in any manner affect the provisions of sections two hundred and eighty-seven, two hundred and eighty-eight or two hundred and eighty-nine of the penal code or any other existing provisions of law relating to abandonment or other acts of cruelty to children. (*Added by chapter 168 of the Laws of 1905.*)

§ 288. Omitting to provide for child. A person who,

1. Willfully omits, without lawful excuse, to perform a duty by law imposed upon him to furnish food, clothing, shelter or medical attendance to a minor, or to make such payment toward its maintenance as may have been required by the order of a court or magistrate when such minor has been committed to an institution; or,

2. Not being a superintendent of the poor, or a superintendent of almshouses, or an institution duly incorporated for the purpose, without having first obtained a license in writing so to do from the board of health of the city or town wherein such females or children are received, boarded or kept, erects, conducts, establishes or maintains any maternity hospital, lying-in asylum where females may be received, cared for or treated

during pregnancy, or during or after delivery; or receives, boards or keeps any nursing children, or any children under the age of twelve years not his relatives, apprentices, pupils or wards without legal commitment; or,

3. Being a midwife, nurse or other person having the care of an infant within the age of two weeks, neglects or omits to report immediately to the health officer or to a legally qualified practitioner of medicine of the city, town or place where such child is being cared for, the fact that one or both eyes of such infant are inflamed or reddened whenever such shall be the case, or who applies any remedy therefor without the advice, or except by the direction of such officer or physician; or,

4. Neglects, refuses or omits to comply with any provisions of this section, or who violates the provisions of such license, is guilty of a misdemeanor. Every such license must specify the name and residence of the person so undertaking the care of such females or children, and the place and the number of females or children thereby allowed to be received, boarded and kept therein, and shall be revocable at will by the authority granting it. Every person so licensed must keep a register wherein he shall enter the names and ages of all such children and of all children born on said premises, and the names and residences of their parents, as far as known, the time of the reception and discharge of such children and the reasons therefor, and also a correct register of the name and age of every child under the age of five years who is given out, adopted, taken away or indentured from such place to or by any one, together with the name and residence of the person so adopting, taking or indenturing such child; and shall cause a correct copy of such register to be sent to the authority issuing such license within forty-eight hours after such child is so given out, adopted, taken away or indentured. It shall be lawful for the officers of any incorporated society for the prevention of cruelty to children and of such board of health at all reasonable times to enter and inspect the premises wherein such females and children are so boarded, received or kept, and also such license register and the children. (*As amended by chapter 46 of the Laws of 1884, 31 of 1886, 145 of 1888, and 325 of 1892.*)

5. No institution shall be incorporated for any of the purposes mentioned in this section except with the written consent and approbation of a justice of the supreme court, upon the certificate in writing of the state board of charities approving of the organization and incorporation of such institution. The said board of charities may apply to the supreme court for the cancellation of any certificate of incorporation previously filed without its approval, and may institute and maintain an action in such court through the attorney-general to procure a judgment dissolving any such corporation not so incorporated and forfeiting its corporate rights, privileges and franchises. (*Added by chapter 171 of the Laws of 1894.*)

Unlawfully and feloniously suffering and permitting a child to die through willful negligence, without lawful excuse, to supply it with proper food, clothing and care, constitutes a misdemeanor. *Supreme Court, June 23, 1888, People v. McDonald*, 17 St. Rep. 494; 49 Hun, 68; 1 N. Y. Supp. 704.

One failing to supply a child in his custody with proper food is guilty of an offense under the statute. *Supreme Court, June, 1880, Crowley v. People*, 21 Hun, 415.

In same case on appeal, 83 N. Y. 464, it was held that one who, with no natural or legal duty, voluntarily seeks and assumes the care and custody of a child, is amenable to the statute, if he fails to perform the duty required, to the injury of the child. It is not requisite to aver or prove that he had means of support, but he must either perform his duty or surrender such care and custody.

§ 289. Endangering life, et cetera, of child.—A person who,

1. Willfully causes or permits the life or limb of any child actually or apparently under the age of sixteen years to be endangered, or its health to be injured, or its morals to become depraved; or,

2. Willfully causes or permits such child to be placed in such a situation or to engage in such an occupation that its life or limb is endangered, or its health is likely to be injured, or its morals likely to be impaired; is guilty of a misdemeanor. (*As amended by chapter 145 of the Laws of 1888.*)

3. Any parent or guardian or other person having custody of a child under sixteen years of age, except in the city of New York who omits to exercise due diligence in the control of such child, to prevent such child from violating any of the provisions of this chapter and any such person or any other person responsible for or who by any act or omission causes, encourages or contributes to the violation by any such child of said provisions shall

be guilty of a misdemeanor and punishable accordingly. (*Added by chapter 655 of the Laws of 1905.*)

§ 290. Permitting children to attend certain resorts.—A person who,

1. Admits to or allows to remain in any dance-house, concert saloon, theatre, museum, skating rink, or in any place where wines or spirituous or malt liquors are sold or given away, or in any place of entertainment injurious to health or morals, owned, kept or managed by him in whole or in part, any child actually or apparently under the age of sixteen years, unless accompanied by its parent or guardian; or,

2. Suffers or permits any such child to play any game of skill or chance in any such place, or in any place adjacent thereto, or to be or remain therein, or admits to or allows to remain in any reputed house of prostitution or assignation or in any place where opium or any preparation thereof is smoked, any child actually or apparently under the age of sixteen years; or,

3. Sells or gives away, or causes or permits or procures to be sold or given away to any child actually or apparently under the age of sixteen years any beer, ale, wine, or any strong or spirituous liquors; or,

4. Being a pawnbroker or person in the employ of a pawnbroker, makes any loan or advances or permits to be loaned or advanced to any child actually or apparently under the age of sixteen years any money, or in any manner directly or indirectly receives any goods, chattels, wares or merchandise from any such child in pledge for loans made or to be made to it or to any other person or otherwise howsoever; or,

5. Sells, pays for or furnishes any cigar, cigarette or tobacco in any of its forms to any child actually or apparently under the age of sixteen years; (*As amended by chapter 46 of the Laws of 1884; 31 of 1886; and 170 of 1889.*)

6. Or who, being the owner, keeper or proprietor of a junk shop, junk cart or other vehicle or boat or other vessel used for the collection of junk, or any collector of junk, receives or purchases any goods, chattels, wares or merchandise from any child under the age of sixteen years; (*Added by chapter 309 of the Laws of 1903.*)

Is guilty of a misdemeanor.

7. No child actually or apparently under sixteen years of age shall smoke or in any way use any cigar, cigarette or tobacco in any form whatsoever in any public street, place or resort. A violation of this subdivision shall be a misdemeanor and shall be punished by a fine not exceeding ten dollars and not less than two dollars for each offense. (*Added by chapter 417 of the Laws of 1890.*)

8. It shall be no defense to a prosecution for a violation of subdivisions three, four, five or six of this section, that in the transaction upon which the prosecution is based the child acted as the agent or representative of another, or that the defendant dealt with such child as the agent or representative of another. (*Added by chapter 41 of the Laws of 1906.*)

§ 291. Children not to beg, etc.—Any child actually or apparently under the age of sixteen years who is found:

1. Begging or receiving or soliciting alms, in any manner or under any pretense; or gathering or picking rags, or collecting cigar stumps, bones or refuse from markets; or

2. Not having any home or other place of abode or proper guardianship; or who has been abandoned or improperly exposed or neglected, by its parents or other person or persons having it in charge, or being in a state of want or suffering; or

3. Destitute of means of support, being an orphan, or living or having lived with or in custody of a parent or guardian who has been sentenced to imprisonment for crime, or who has been convicted of a crime against the person of such child, or has been adjudged an habitual criminal; or

4. Frequenting or being in the company of reputed thieves or prostitutes, or in a reputed house of prostitution or assignation, or living in such a house either with or without its parent or guardian, or being in concert saloons, dance-houses, theatres, museums or other places of entertainment, or places where wines, malt or other spirituous liquors are sold, without being in charge of its parent or guardian; or playing any game of chance or skill in any place wherein or adjacent to which any beer, ale, wine or liquor is sold or given away, or being in any such place; or

5. Coming within any of the descriptions of children mentioned in section two hundred and ninety-two, must be arrested

and brought before a proper court or magistrate, who may commit the child to any incorporated charitable reformatory, or other institution, and when practicable, to such as is governed by persons of the same religious faith as the parents of the child, or may make any disposition of the child such as now is, or hereafter may be authorized in the cases of vagrants, truants, paupers or disorderly persons, but such commitment shall, so far as practicable, be made to such charitable or reformatory institutions. Whenever any child shall be committed to an institution under this code, and the warrant of commitment shall so state, and it shall appear therefrom that either parent, or any guardian or custodian of such child was present at the examination before such court or magistrate, or had such notice thereof as was by such court or magistrate deemed and adjudged sufficient, no further or other notice required by any local or special statute, in regard to the committal of children to such institution shall be necessary, and such commitment shall in all respects be sufficient to authorize such institutions to receive and retain such child in its custody as therein directed. Whenever any commitment of a child shall for any reason be adjudged or found defective, a new commitment of the child may be made or directed by the court or magistrate, as the welfare of the child may require. And no commitment of a child which shall recite therein the facts upon which it is based shall be deemed invalid by reason of any omission of the court or magistrate by whom such commitment is made to file any documents, papers or proceedings relating thereto, or by reason of any limitation as to the age of the child committed, contained in the act or articles of incorporation of the institution to which it may have been committed. (*As amended by chapter 31 of the Laws of 1886, and chapter 145 of the Laws of 1888.*)

6. Any magistrate having criminal jurisdiction may commit, temporarily, to an institution authorized by law to receive children on final commitment, and to have compensation therefor from the city or county authorities, any child under the age of sixteen years, who is held for trial on a criminal charge; and may, in like manner, so commit any such child held as a witness to appear on the trial of any criminal case; which institution shall thereupon receive the same, and be entitled to the like com-

pensation proportionally therefor as on final commitment, but subject to the order of the court as to the time of detention and discharge of the child. Any such child convicted of any misdemeanor shall be finally committed to some such institution, and not to any prison or jail, or penitentiary, longer than is necessary for its transfer thereto. No child under restraint or conviction, actually or apparently under the age of sixteen years, shall be placed in any prison or place of confinement, or in any courtroom, or in any vehicle for transportation in company with adults charged with or convicted of crime. (*As amended by chapter 217 of the Laws of 1892.*)

7. All cases involving the commitment or trial of children, actually or apparently under the age of sixteen years, for any violation of law, in any court shall be heard and determined by such court, at suitable times to be designated therefor by it, separate and apart from the trial of other criminal cases, of which session a separate docket and record shall be kept. All such cases shall, so far as practicable, be heard and determined in a separate court room to be known as the children's court and to be used exclusively for the examination and trial of children, actually or apparently under the age of sixteen years, charged with any offense. And all such cases and cases of offenses by, or against the person of, a child under the age of sixteen years shall have preference over all other cases, before all magistrates and in all courts and tribunals in this state both civil and criminal; and where a child is committed or detained as a witness in any case such case shall be brought to trial or otherwise disposed of without delay, whether the defendant be in custody or enlarged on bail. (*Added by chapter 217 of the Laws of 1892, and amended by chapter 331 of 1903.*)

By this section certain acts or conduct on the part of children render them liable to be arrested and dealt with as vagrants. *Supreme Court, January, 1883, Matter of McMahon*, 1 N. Y. Cr. 60; 64 How. 285.

It is not necessary to show that the children were found wandering in the streets. *Supreme Court, October, 1883, Matter of Moses*, 1 N. Y. Cr. 512.

To justify a commitment of a child under section 291, subd. 2, of the Penal Code, as being "abandoned or improperly exposed" such abandonment or improper exposure must be by the parents or the person or persons having it in charge. A child of good character who on a single occasion and while about to return to her home is found in the company of a reputed prostitute of whose character she is ignorant does not "frequent,"

nor is she in the company of, reputed prostitutes, within section 291, subd. 4 of the Penal Code. *Supreme Court, May, 1887, People ex rel. Van Riper v. Catholic Protectory*, 19 Abb. N. C. 142, 148; *Supreme Court, May, 1887, sub nomine, People ex rel. Van Riper v. Home of the Good Shepherd*, 44 Hun, 529; 5 N. Y. Cr. 139, 504; 11 St. Rep. 155.

Where the examining magistrate commits the child without summoning its guardian, if there be one, the child will be discharged on *habeas corpus*. *Supreme Court, October, 1883, Matter of Maloney*, 2 N. Y. Supp. 248; 4 id. 428.

8. All children actually or apparently under the age of sixteen who desert their homes without good or sufficient cause, or keep company with dissolute, immoral or vicious persons, shall be deemed disorderly children. Those actually or apparently under the like age who are not susceptible of proper restraint or control by their parents, guardians, or lawful custodians, or who are habitually disobedient to their reasonable and lawful commands, shall be deemed ungovernable children. A disorderly or ungovernable child may be dealt with as provided in the fifth subdivision of this section. (*Added by chapter 50 of the Laws of 1903.*)

9. Whenever any child is brought before any court or magistrate, to be dealt with under any of the subdivisions of this section, instead of committing such child to confinement in any institution, the court or magistrate may place such child under the custody of a probation or parole officer, and at any time within one year thereafter such court or magistrate, may issue a warrant for such child, and after giving such child an opportunity to be heard, may make the commitment which could have been made in the first instance as aforesaid. The foregoing provision shall not apply to a children's court created by special enactment in cities of the first class but this exception shall not be construed as taking away or limiting any jurisdiction now possessed by such children's courts. (*Added by chapter 655 of the Laws of 1905.*)

§ 292. Certain employments of child prohibited.—A person who employs or causes to be employed, or who exhibits, uses, or has in custody, or trains for the purpose of the exhibition, use or employment of, any child actually or apparently under the age of sixteen years; or who having the care, custody or control of such a child as parent, relative, guardian, employer, or other

wise, sells, lets out, gives away, so trains, or in any way procures or consents to the employment, or to such training, or use, or exhibition of such child; or who neglects or refuses to restrain such child from such training, or from engaging or acting, either

1. As a rope or wire walker, gymnast, wrestler, contortionist, rider or acrobat; or upon any bicycle or similar mechanical vehicle or contrivance; or,

2. In begging or receiving or soliciting alms in any manner or under any pretense, or in any mendicant occupation; or in gathering or picking rags, or collecting cigar stumps, bones or refuse from markets; or in peddling; or,

3. In singing; or dancing; or playing upon a musical instrument; or in a theatrical exhibition; or in any wandering occupation; or,

4. In any illegal, indecent or immoral exhibition or practice; or in the exhibition of any such child when insane, idiotic, or when presenting the appearance of any deformity or unnatural physical formation or development; or

5. In any practice or exhibition or place dangerous or injurious to the life, limb, health or morals of the child, is guilty of a misdemeanor. But this section does not apply to the employment of any child as a singer or musician in a church, school or academy; or in teaching or learning the science or practice of music; or as a musician in any concert or in a theatrical exhibition, with the written consent of the mayor of the city, or the president of the board of trustees of the village where such concert or exhibition takes place. Such consent shall not be given unless forty-eight hours previous notice of the application shall have been served in writing upon the society mentioned in section two hundred and ninety-three of the Penal Code, if there be one within the county, and a hearing had thereon if requested, and shall be revocable at the will of the authority giving it. It shall specify the name of the child, its age, the names and residence of its parents or guardians, the nature, time, duration and number of performances permitted, together with the place and character of the exhibition. But no such consent shall be deemed to authorize any violation of the first, second, fourth or fifth subdivisions of this section.

(As amended by chapter 46 of the Laws of 1884; 31 of 1886; and 309 of 1892.)

This section is not unconstitutional as infringing on the rights of parents or those of the child. *Supreme Court, July 21, 1892, People v. Ever, 47 St. Rep. 501; 8 N. Y. Cr. 392.*

§ 292a. Penalty for sending messenger boys to certain places.—A corporation or person employing messenger boys who:

1. Knowingly places or permits to remain in a disorderly house, or in an unlicensed saloon, inn, tavern or other unlicensed place where malt or spirituous liquors or wines are sold, any instrument or device by which communication may be had between such disorderly house, saloon, inn, tavern or unlicensed place, and any office or place of business of such corporation or person; or

2. Knowingly sends or permits any person to send any messenger boy to any disorderly house, unlicensed saloon, inn, tavern, or other unlicensed place, where malt or spirituous liquors or wines are sold on any errand or business whatsoever except to deliver telegrams at the door of such house, is guilty of a misdemeanor, and incurs a penalty of fifty dollars to be recovered by the district attorney. (*Added by chapter 692 of the Laws of 1893.*)

§ 292b. Taking apprentice without consent of guardian.—A person who takes an apprentice without having first obtained the consent of his legal guardian or unless a written agreement has been entered into as prescribed by law, is guilty of a misdemeanor. (*Added by chapter 692 of the Laws of 1893.*)

§ 293. Arrests, by whom made.—A constable or police officer must, and any agent or officer of any incorporated society for the prevention of cruelty to children may, arrest and bring before a court or magistrate having jurisdiction, any person offending against any of the provisions of this chapter and any minor coming within any of the descriptions of children mentioned in section two hundred and ninety-one, or in section two hundred and ninety-two. Such constable, police officer or agent may interfere to prevent the perpetration in his presence of any act forbidden by this chapter. A person who obstructs or interferes with any officer or agent of such society in the exercise of his authority under this chapter, is guilty of a misdemeanor. All fines, penalties and forfeitures imposed or collected for a violation of the provisions of this code or of any act relating to

or affecting children, now in force or hereafter passed, must be paid on demand to the incorporated society for the prevention of cruelty to children in every case where the prosecution shall be instituted or conducted by such a society; and any such payment heretofore made to any such society may be retained by it. (*As amended by chapter 145 of the Laws of 1888.*)

*** SENTENCE OF MINOR.**

Section 713 of the Penal Code.

Sentence of minor.—When a person under the age of sixteen is convicted of a crime, he may, in the discretion of the court, instead of being sentenced to fine or imprisonment, be placed in charge of any suitable person or institution willing to receive him, and be thereafter, until majority or for a shorter term, subjected to such discipline and control of the person or institution receiving him as a parent or guardian may lawfully exercise over a minor. A child under sixteen years of age committed for misdemeanor, under any provision of this Code, must be committed to some reformatory, charitable or other institution authorized by law to receive and take charge of minors. And when any such child is committed to an institution, it shall when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child. (*As amended by chapter 46 of the Laws of 1884.*)

REFORMATORY INMATES NOT TO BE EMPLOYED BY CONTRACT.

AN ACT relating to the employment of children by contract in houses of refuge, reformatories and other correctional institutions.

Chapter 470, Laws of 1884.

Section 1. It shall be unlawful for the trustees or managers of any house of refuge, reformatory or other correctional insti-

* See also section 701 of the Penal Code, page 89, which provides for commitments to the House of Refuge, Randall's Island, the State Industrial School (now the New York State Training School for Boys), and the New York State Training School for Girls.

tution, to contract, hire, or let by the day, week, or month, or any longer period, the services or labor of any child or children under, now or hereafter committed to or inmates of such institutions.

CHILDREN'S COURT, NEW YORK CITY.

AN ACT to amend the Greater New York charter, chapter three hundred and seventy-eight of the Laws of eighteen hundred and ninety-seven, entitled "An act to unite into one municipality under the corporate name of the city of New York, the various communities lying in and about New York harbor, including the city and county of New York, the city of Brooklyn and the county of Kings, the county of Richmond and part of the county of Queens, and to provide for the government thereof."

Chapter 466, Laws of 1901.

Section 1418. The justices of the special sessions of the first division shall assign a separate part for the hearing and disposition of cases heretofore within the jurisdiction of city magistrates involving the trial or commitment of children, which part shall be called the children's court; and in all such cases the justice or justices holding said court shall have all the powers, duties and jurisdiction now possessed by the city magistrates within said first division, and such other and further powers, duties and jurisdiction as are contained in the following sections:

The justices of the special sessions of the second division shall as soon as a special court building can be put in readiness assign a separate part for the hearing and disposition of cases heretofore within the jurisdiction of city magistrates, involving the trial or commitment of children, which part shall be called the children's court, second division, borough of Brooklyn; and in all such cases the justice or justices holding said court shall have all the powers, duties and jurisdiction now possessed by the city magistrates within said second division, except in the boroughs of Queens and Richmond, and such other and further powers, duties and jurisdiction as are contained in the following sections:

Each of said children's courts shall be held by one or more of the justices of special sessions in their respective divisions, as

the circumstances require in such manner as the said justices shall by rule provide.

Whenever, under any provision of law, after said separate parts shall be assigned, a child under sixteen years of age, unless jointly charged with one or more persons above that age, is taken into custody it shall be the duty of the officer having the child in charge, and at the earliest time when a justice will be present, to take such child before the children's court, and shall not take said child, knowingly, to any city magistrate's court, or before any city magistrate, except for the purpose of giving bail. If through inadvertence any such child shall be arraigned before a city magistrate, it shall be the duty of such magistrate, as soon as the age of such child is discovered, to transfer the case to the children's court, in the division in which such case belongs, and if any papers have been prepared, to indorse the transfer thereon and to send the same with the officer to said court; and it is hereby made the duty of the officer to take such child with said papers to the children's court with all convenient speed, to be heard and disposed of, pursuant to law by the justice there presiding. The justices of the court of special sessions for the first division shall appoint a clerk and a deputy clerk for the children's court, first division, and such and so many officers and attendants, including a stenographer, as may be necessary, whose salaries, except the clerk, shall be fixed by the board of aldermen, on the recommendation of the board of estimate and apportionment. The salary of the clerk of the children's court, first division, shall be three thousand dollars per year, payable in monthly installments, and the clerk, appointed by the board of city magistrates in office at the time this act shall go into effect, shall continue in office as clerk until removed therefrom by expiration of term, or by due process of law.

The justices of the court of special sessions for the second division shall appoint a clerk and a deputy clerk for the children's court, second division, borough of Brooklyn, and such and so many officers and attendants, including a stenographer, as may be necessary, whose salaries, except the clerk, shall be fixed by the board of aldermen on the recommendation of the board of estimate and apportionment. The salary of the clerk shall be two thousand five hundred dollars per year, payable in monthly

installments, and he shall continue in office as clerk until removed therefrom by expiration of term or by due process of law. The term of office of the clerk of the children's court, second division, shall be for five years. The justice shall have authority to appoint or designate not more than three discreet persons of good character to serve as probation officers during the pleasure of the court. It shall be the duty of said probation officers to make such investigations as may be required by the court, to be present in court in order to present the interests of the child; when the case is heard, to furnish to the court such information and assistance as he may require, and to take charge of any child before and after trial as may be directed by the court.

The said courts shall be held in some building separate and apart from one used for the trial of persons above the age of sixteen charged with any criminal offense.

Nothing herein contained shall affect any provisions of law with respect to the temporary commitment by magistrates of children as witnesses for the trial of any criminal case. For statistical purposes the clerk of each of said children's courts, annually, at such time and in such form as the board of city magistrates of the first division may require, as to the children's court in the first division, and in such form as the justices of the court of special sessions in the second division may require as to such children's court in Brooklyn, shall prepare in duplicate a report of the arrests, commitments and dispositions, with such other data as said board may require, of all persons arraigned in or brought before such court during the year; one of which said duplicates shall be transmitted to the board of city magistrates in their respective divisions to be included in its annual report; and the other shall be transmitted to the mayor and be printed in the City Record. (*As amended by chapter 590 of the Laws of 1902 and chapter 159 of the Laws of 1903.*)

§ 1419. In addition to the powers, duties and jurisdiction heretofore conferred, the court of special sessions of the first division, and the justices thereof, and the court of special sessions of the second division, except in the boroughs of Queens and Richmond, and the justices thereof, shall supersede the city magistrates in said first and second divisions, except in the boroughs of Queens and Richmond, in the trial, determination and disposi-

tion of all cases concerning children under sixteen years of age, unless upon a criminal charge in which two or more persons are jointly charged and some of them are above that age; and the said courts and the justices thereof shall have and exercise the powers, duties and jurisdiction as follows:

1. The said court of special sessions of the first division, and the said court of special sessions of the second division, except in the boroughs of Queens and Richmond, shall hear and adjudicate all charges of a criminal nature against children under sixteen years of age, of the grade of, or, under section six hundred and ninety-nine of the penal code, permitted to be tried as misdemeanors, including all charges coming within the summary jurisdiction of magistrates, and impose or suspend sentence or remit to probation pursuant to law. But all such hearings and trials shall, except as hereinafter provided, be had in a court room exclusively used for the hearing and disposition of children's cases.

2. Such court as provided in section fourteen hundred and eighteen, shall be open each day, except Sundays and legal holidays, during such hours as the justices of special sessions in their respective divisions, by public rule shall determine, and one of said justices shall be in attendance who shall possess and exercise, as to all matters arising in said court, all the powers and jurisdiction now conferred on city magistrates, and, unless an objection shall be interposed by the prosecution or the defense at or before the time the defendant, or defendants, are called upon to plead to a charge graded, or permitted by law, as a misdemeanor, all the powers and jurisdiction of a court of special sessions.

3. If an objection be interposed, as provided for in the preceding subdivision, or thereafter if permitted by the justice presiding, the case shall be adjourned to some future day, when either in the same building or at the main court as the justice of special sessions shall regulate, a trial may be had before three justices.

4. Any order, determination or judgment of one of said justices when sitting alone, pursuant to the foregoing provisions, or any two of said justices when three are sitting, shall be the order, determination or judgment of said children's court sitting as a court of special sessions.

5. Section fourteen hundred and twelve, as to the adoption of rules, is hereby extended so as to cover said children's courts.

§ 4. The board of estimate and apportionment of the city of New York shall make provisions for the establishment and maintenance of a children's court in the borough of Brooklyn, including the salary of the additional justice as herein authorized, and any additional amount, including the salary of the additional justice, shall be determined under the provisions of the charter and shall be added to and included in the final estimate for the year nineteen hundred and three, and shall be collected by tax from the estates, real and personal, subject to taxation in the city of New York.

§ 5. All acts and parts of acts, not inconsistent with the provisions of this act shall apply to and govern the jurisdiction and proceedings in said children's court; and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, so far as they or either of them affect a court exclusively for children. (*Added by chapter 590 of the Laws of 1902 and amended by chapter 159 of the Laws of 1903.*)

PROBATIONARY OFFICERS.

AN ACT to amend the code of criminal procedure, relating to the appointment of probationary officers and defining their duties.

Chapter 372, Laws of 1901.

§ 11-a. 1. The justices of the courts having original jurisdiction of criminal actions in the state, shall from time to time appoint a person or persons to perform the duties of probation officer or officers as hereinafter described, within the jurisdiction and under the direction of said court or justice, to hold such office during the pleasure of the court or justice making such appointment. Such probation officer or officers may be chosen from among the officers of a society for the prevention of cruelty to children or of any charitable or benevolent institution, society or association now or hereafter duly incorporated under the laws of this state, or be reputable private citizens, male or female. Any officer or member of the police force of any city or incorporated village who may be detailed to do duty in such

courts, or any constable or peace officer, may be employed as probation officer upon the order of any court or justice as herein provided. No probation officer appointed under the provisions of this section shall receive compensation for his services as such probation officer until allowed by proper municipal ordinance or resolution, as hereinafter prescribed, but this shall not be construed to deprive any officer or member of the police force, or any constable or peace officer, appointed probation officer as herein provided, from receiving the salary or compensation attached to his said official employment. The board of estimate and apportionment in the city of New York and the appropriate municipal board or body of any other city or village, may, in their discretion determine whether probation officers, not detailed from other branches of the public service, shall receive a salary, and if they shall so determine, they may fix the amount thereof and provide for its payment. (*As amended by chapter 613 of the Laws of 1903, chapter 508 of the Laws of 1904, and chapter 656 of the Laws of 1905.*)

2. Every probation officer or officers so appointed shall when so directed by the court, inquire into the antecedents, character and offense of any person or persons arrested for a crime within the jurisdiction of the court appointing him, and shall report the same to the court. It shall be his duty to make such reports of all cases investigated by him, of all cases placed in his care by the court, and of any other duties performed by him in the discharge of his office, as shall be prescribed by the court or justice making the appointment, or his successor, or by the court or justice assigning the case to him, or his successor, which report shall be filed, with the clerk of the court, or where there is no clerk, with the justice thereof. He shall furnish to each person released on probation, committed to his care, a written statement of the terms and conditions of his probation, and shall report to the court or justice appointing him, at least monthly, any violation or breach of the terms and conditions imposed by the court, of the persons placed in his care. Such probation officer shall have, as to the persons so committed to their care, the powers of a peace officer, and shall require such persons to report to them as may be directed by the court. (*As amended by chapter 613 of the Laws of 1903.*)

§ 483. Court may summarily inquire into circumstances in aggravation or mitigation of punishment.—After a plea or verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment, the court may, in its discretion, hear the same summarily at a specified time, and upon such notice to the adverse party as it may direct. At such specified times, if it shall appear by the record and the circumstances of any person convicted of crime, that there are circumstances in mitigation of the punishment, the court shall have power, in its discretion, to place the defendant on probation in the manner following:

1. The court upon suspending sentence, may place such person on probation during such suspension under the charge and supervision of the probation officer appointed by said court. When practicable, any child under the age of sixteen years, placed on probation, shall be placed with a probation officer of the same religious faith as that of the child's parents. The parents, guardian or master of such child, if the child has any, shall be summoned by the magistrate to attend any examination or trial of such child and to be present in court when the child is placed on probation and informed by the court of the action taken in such case.

2. If the judgment is to pay a fine and that the defendant be imprisoned until it is paid, the court upon imposing sentence may direct that the execution of the sentence of imprisonment be suspended for such period of time, and on such terms and conditions as it shall determine, and shall place such defendant on probation under the charge and supervision of a probation officer during such suspension, provided, however, that upon payment of the fine being made, the judgment shall be satisfied and the probation cease.

3. At any time during the probationary term of a person convicted and released on probation in accordance with the provisions of this section, the court before which, or the justice before whom, the person so convicted was convicted, or his successor, may in its or his discretion, revoke and terminate such probation. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time thereafter within the longest period for which the defend-

ant might have been sentenced, or, if judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect for its unexpired term.

(As amended by chapter 613 of the Laws of 1903, and chapter 656 of the Laws of 1905.)

§ 487. If the judgment be imprisonment, or a fine and imprisonment until it is paid, the defendant must forthwith be committed to the custody of the proper officer, and by him detained, until the judgment be complied with. Where, however, the court has suspended sentence or where after imposing sentence, the court has suspended the execution thereof and placed the defendant on probation, as provided in section four hundred and eighty-three of the code of criminal procedure, the defendant must forthwith be placed under the care and supervision of the probation officer of the court committing him, until the expiration of the period of probation and the compliance with the terms and conditions of the sentence or of the suspension thereof. Where, however, the probation has been terminated, as provided in paragraph four of section four hundred and eighty-three of the code of criminal procedure, and the suspension of the sentence or of the execution revoked, and the judgment pronounced, the defendant must forthwith be committed to the custody of the proper officer and by him detained until the judgment be complied with. *(As amended by chapter 613 of the Laws of 1903.)*

§ 554. * * * * *

Subdivision 4. Whenever a child under the age of sixteen years is arrested charged with any offence except a felony or a crime which if committed by an adult would be a felony, a captain or sergeant or acting sergeant of police, in any city may accept, in lieu of bail, the personal recognizance in writing, without security, of a parent, guardian or other lawful custodian of such child, to produce such child before the proper court or magistrate on the following day, at a time and place to be specified in said recognizance; and thereupon he shall place said child in the care and custody of the person executing the same who, on failure to so produce said child, pursuant to the terms of such recognizance, shall be liable to punishment by the court or magistrate, as for a criminal contempt in the manner provided

in the code of civil procedure. A similar recognizance may be taken by the court or magistrate for the subsequent production of such child at a time and place to be specified therein, pending the final termination of the proceedings, and noncompliance therewith shall subject the person giving the same to the same punishment. Such failure to produce the child shall in either case vacate the said recognizance and warrant the immediate arrest of the child by order of the court or magistrate. But nothing in this act contained shall authorize the acceptance of such personal recognizance for the production of a child who has been the subject of a crime or a witness to its commission by another. (*As amended by chapter 656 of the Laws of 1905.*)

§ 941. Within ten days after the adjournment of any criminal court of record in this state, the district attorney of the county in which the court shall be held, shall furnish to the clerk of the county a certified statement containing the names of all persons convicted of crime in said court; the crime for which convicted; whether the conviction was upon a trial or upon a plea of guilty and whether sentence was suspended or the defendant placed on probation; the cases in which counsel were assigned by the court to defend the defendant; the sex, age, nativity, residence and occupation of the defendant; whether married or single; the degree of education and religious instruction; whether parents are living or dead; whether temperate or intemperate, and whether before convicted or not of any crime, and any other information regarding them as may seem to him expedient. If necessary in order to obtain information of these facts, the defendant may be interrogated upon oath in court by the district attorney before judgment is pronounced. He shall also furnish to the clerk of the court a certified statement containing the names of all probation officers appointed by the court, with their addresses and date of appointment.

§ 942. The clerk or the deputy clerk of the court of special sessions in the city and county of New York shall on or before the first day of February, eighteen hundred and ninety-five, and quarterly thereafter, transmit to the secretary of state a tabulated and certified statement, in the form prescribed by the secretary of state, containing the name of every person convicted of a crime, of every person against whom sentence was suspended, and of

every person placed on probation in such court, after October thirty-first, eighteen hundred and ninety-four, and since the date of the closing of each last preceding quarterly report; a description of the offense of which such person was convicted; whether the conviction was upon a trial or upon a plea of guilty; and the date of the conviction; and also a certified statement containing the names of all probation officers appointed by the court, with their address and date of appointment. The police clerks of the city magistrates of the city of New York, shall on or before February first, nineteen hundred and one, and annually thereafter, transmit to the secretary of state, a tabulated statement made from their records, showing the number of males and females convicted of crime during each month in the preceding quarter in the several courts of such city magistrates; the number convicted of each offense, the number sentenced, the number fined, the number of those against whom sentence was suspended, and the number placed on probation; and shall also furnish a certified statement containing the names of all probation officers appointed by the magistrates, with their address and date of appointment. Such statements shall be in the form prescribed by the secretary of state.

§ 943. On or before the first day of February, eighteen hundred and ninety-five, and quarterly thereafter, the clerk of each county shall transmit to the secretary of state a tabulated and certified statement, in the form prescribed by the secretary of state, of all the matters contained in the statements filed with such clerks by the district attorney of such county after October thirty-first, eighteen hundred and ninety-four; and of the name of each person shown to be convicted by a court of special sessions by the certificate of conviction filed with him by magistrates holding courts of special sessions after October thirty-first, eighteen hundred and ninety-four, and since the date of the closing of each last preceding quarterly report made after October thirty-first, eighteen hundred and ninety-four, and showing the offense for which each person was so convicted; whether the conviction was upon a trial or upon a plea of guilty; the sentence imposed, whether the sentence was suspended, and whether the defendant was placed on probation. Said certified statement shall also contain the names of all probation officers

appointed by said courts of special sessions, with their address and the date of their appointment.

* * * *

§ 946. The secretary of state shall cause this title to be published with forms and instructions for the execution of the duties therein prescribed, and copies thereof to be furnished annually to each county clerk. The forms furnished by the secretary of state as herein provided, shall contain in tabulated form, the nature of every offense upon which a conviction was had, the court before which the defendant was convicted, the character of the sentence imposed, the cases where defendant had been previously convicted, the cases where sentence was suspended, the cases where the defendant was placed upon probation, and the cases where probation was revoked, together with the age, sex, nativity and residence of the defendant. And a sufficient number of the copies of this title, and of such instructions, and of the forms to be used by the district attorney, or clerk or deputy clerk of the court of special sessions of the city and county of New York, shall also be furnished to each clerk to enable him to furnish at least one copy thereof annually to the district attorney, and the clerk of the court of special sessions of the city and county of New York and the county clerk shall distribute the copies of this title and of such forms and instructions accordingly, and when said county clerk is not a salaried officer his disbursements and compensation for his services under this act shall be a county charge. The expense of the secretary of state in publishing this title and distributing copies thereof, and of such forms and instructions as are herein required, shall be paid by the treasurer of the state, upon the warrant of the comptroller, from moneys in the treasury not otherwise appropriated.

Chapter 382, Laws of 1902.

AN ACT to provide for the appointment of a female probation officer in the court of special sessions of the first division of the city of New York, and to compensate her for such services.

Section 1. The justices of the court of special sessions of the first division of the city of New York are hereby empowered to appoint a female probation officer in that court.

§ 2. By and with the consent and concurrence of the board of estimate and apportionment, the justices of this court may fix the compensation of such probation officer at a sum not exceeding one thousand two hundred dollars per annum, payable in equal monthly installments.

PROBATION OFFICERS IN THE CITY OF BUFFALO.

AN ACT to amend chapter one hundred and five of the laws of the year eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," in relation to the police justice.

Chapter 627, Laws of 1901.

Section 1. Chapter one hundred and five of the laws of the year eighteen hundred and ninety-one, entitled "An act to revise the charter of the city of Buffalo," is hereby amended by adding therein after section three hundred and eighty-four-a two new sections to be known as sections three hundred and eighty-four-b and three hundred and eighty-four-c, to read as follows:

§ 384-b. Probation officers.—The police justice shall have authority to appoint or designate not more than five discreet persons of good character to serve as probation officers during the pleasure of the police justice; said probation officers to receive no compensation from the public treasury. Whenever any child under or apparently under the age of sixteen years shall have been arrested, it shall be the duty of said probation officers to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child; when the case is heard to furnish to the police justice such information and assistance as he may require, and to take charge of any child before and after trial as may be directed by the court.

§ 384-c. Whenever any such child is found guilty or pleads guilty to the commission of any crime or misdemeanor before the police justice, the said police justice may in his discretion suspend sentence during the good behavior of the child so convicted. The child so convicted may be placed in the care of said probation officer for such time not to exceed three months

and upon such conditions as may seem proper. Said probation officers shall have the power to bring the child so convicted before the police justice at any time within three months from the date of conviction for such disposition as may be just. When practicable said child shall be placed with a probation officer of the same religious faith as that of the child's parents.

**CHILDREN'S COURT AND PROBATION OFFICERS,
ROCHESTER.**

AN ACT to amend chapter fourteen of the laws of eighteen hundred and eighty, entitled "An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester,' and to consolidate therewith the several acts in relation to the charter of said city."

Chapter 543, Laws of 1905.

Section 1. Section two hundred and sixty-five of chapter fourteen of the laws of eighteen hundred and eighty, as amended by chapter five hundred and sixty-one of the laws of eighteen hundred and ninety, is hereby amended so as to read as follows:

§ 265. All cases involving the commitment or trial of children actually or apparently under the age of sixteen years for any violation of law or ordinance before the police justice or police court of the city of Rochester, shall be heard and determined in a separate courtroom, to be known as the children's courtroom, and separate and apart from the trial of other criminal cases, of which session a separate docket and record shall be kept. Whenever a child actually or apparently under the age of sixteen years is taken into custody in the city of Rochester, such child shall be arraigned in the children's courtroom and shall not be taken knowingly to that part of the police court where other criminal trials are had; and if through an inadvertence any such child shall be brought before that part of the police court, as soon as the age of such child is discovered the hearing of the case shall be transferred to, and the case shall be heard and determined in, the

children's courtroom. The police justice and the police court of the city of Rochester shall have power to impose or suspend sentence or to remit to probation pursuant to law. The commissioner of public safety of the city of Rochester may appoint such number of probation officers, to hold office during his pleasure, at a salary fixed by the board of estimate and apportionment, as may be prescribed by the said board of estimate and apportionment, which number may be increased or diminished at any time by said board of estimate and apportionment, and may include one or more female probation officers if so determined by said board of estimate and apportionment. The said police justice may appoint from time to time, to serve at his pleasure and without compensation, such additional number of probation officers as he may deem desirable. Whenever the board of estimate and apportionment of the city of Rochester shall so determine, there shall be an additional police justice of said city, to be known as judge of the children's court, whose term of office shall be six years, and who shall receive an annual salary to be fixed by the board of estimate and apportionment at not less than twenty-five hundred dollars per annum. Immediately after such determination by the board of estimate and apportionment, the mayor shall appoint a judge of the children's court to serve until the first day of January following the next city election, at which election a judge of the children's court shall be elected. The judge of the children's court shall have all the powers and jurisdiction now or hereafter conferred upon the police justice of the city of Rochester, and the court held by him shall be a part of the police court of said city, with all the powers and jurisdiction now or hereafter conferred upon said court. It shall be the duty of the judge of the children's court to preside over and to hold the children's part of the police court of the city of Rochester, and to be present at the children's courtroom at such times and for such hours as the public interests may require, and he shall perform such other duties now or hereafter imposed upon the police justice of said city as may be directed by the common council. (*As amended by chapter 317 of the Laws of 1906.*)

THE MEMBERSHIP CORPORATIONS LAW.

Chapter 559, Laws of 1895.

* * * * *

ARTICLE I.

* * * * *

Section 12. Prohibitions on officers.—No director or other officer of a membership corporation hereafter created shall receive, directly or indirectly, any salary, compensation or emolument from such corporation, either as such officer or director or in any other capacity, unless authorized by the by-laws of the corporation, or by the concurring vote of two-thirds of the directors. No director or other officer of a membership corporation hereafter created shall be interested, directly or indirectly, in any contract relating to the operations conducted by the corporation, nor in any contract for furnishing supplies thereto, unless expressly authorized by the by-laws of the corporation, and by the concurring vote of all the directors. The foregoing provisions of this section shall also apply after January first, eighteen hundred and ninety-six, to every membership corporation now existing and heretofore created under any law repealed by this chapter, and until such date the restrictions of law now existing as to such compensation and contracts shall continue applicable to the directors and other officers of such corporation.

* * * * *

ARTICLE II.

CORPORATIONS FOR PURPOSES NOT ELSEWHERE AUTHORIZED.

§ 30. Purposes for which corporations may be formed under this article.—A membership corporation may be created under this article for any lawful purpose, except a purpose for which a corporation may be created under any other article of this chapter, or any other general law than this chapter.

§ 31. Certificates of incorporation.—Five or more persons may become a membership corporation for any of the purposes for which a corporation may be formed under this article or for any two or more of such purposes of a kindred nature, by making, acknowledging and filing a certificate, stating

(a.) *The particular objects for which the corporation is to be formed, each of which must be such as is authorized by this article;*

(b.) *The name of the proposed corporation;*

(c.) *The territory in which its operations are to be principally conducted;*

(d.) *The town, village or city in which its principal office is to be located, if it be then practicable to fix such location;*

(e.) *The number of its directors, not less than three nor more than thirty;*

(f.) *The names and places of residence of the persons to be its directors until its first annual meeting;*

(g.) *And the times for holding its annual meetings.*

Such certificate shall not be filed without the written approval, indorsed thereupon or annexed thereto, of a justice of the supreme court. If such certificate specify among such purposes the care of orphan, pauper or destitute children, the establishment or maintenance of a maternity hospital or lying-in asylum where women may be received, cared for or treated during pregnancy or during or after delivery, or for boarding or keeping nursing children, the written approval of the state board of charities shall also be indorsed thereupon or annexed thereto, before the filing thereof.

On filing such certificate, in pursuance of law, the signers thereof, their associates and successors, shall be a corporation in accordance with the provisions of such certificate.

Any corporation heretofore or hereafter organized under this article for the purpose of gathering, obtaining and procuring information and intelligence, telegraphic or otherwise for the use and benefit of its members, and to furnish and supply the same to its members for publication in newspapers owned or represented by them may admit as members thereof, other corporations, limited liability companies, joint stock and other associations, partnerships and individuals engaged in the same business or in the publication of newspapers, periodicals or other publications, upon such terms and conditions, not inconsistent with law or with its certificate of incorporation, as may be prescribed in its by-laws. (*As amended by chapter 205 of the Laws of 1897, § 1, and chapter 436 of the Laws of 1901.*)

ARTICLE VI.

HOSPITAL CORPORATIONS.

Section 80. Certificate of incorporation.—Five or more persons may become a corporation for the purpose of erecting, establishing or maintaining a hospital, infirmary, dispensary, or home for invalids, aged or indigent persons, by making, acknowledging and filing a certificate, stating

(a.) *The particular object for which the corporation is to be formed;*

(b.) *The name of the proposed corporation;*

(c.) *The town, village or city in which its principal office is to be located;*

(d.) *The number of directors, not less than three nor more than forty-eight;*

(e.) *The names and places of residence of the persons to be its directors until its first annual meeting; and*

(f.) *The time for holding its annual meetings.*

Such certificate may also specify the qualification of members of the corporation with respect to their adherence or non-adherence to a particular school or theory of medical or surgical treatment; and the systems of medical practice or treatment to be used or applied in such hospitals, infirmary, dispensary or home.

Such certificate shall not be filed without the written approval indorsed thereupon, or annexed thereto, of the state board of charities and of a justice of the supreme court of the district in which the principal office or place of business of such corporation shall be located.

On filing such certificate, in pursuance of law, the signers thereof, their associates and successors, shall be a corporation, in accordance with the provisions of such certificate. (*As amended by chapter 404 of the Laws of 1900.*)

CERTIFICATES OF INCORPORATION TO BE IN ENGLISH.
THE GENERAL CORPORATION LAW.

Chapter 687, Laws of 1892.

* * * * *

§ 5. Filing and recording certificates of incorporation.—Every certificate of incorporation including the corporate name or title

and every amended or supplemental certificate, and every certificate which alters the provisions of any certificate of incorporation or any amended or supplemental certificate, hereafter executed shall be in the English language, and except of a religious, cemetery, moneyed, municipal or fire department corporation, shall be filed in the office of the secretary of state, and shall be by him duly recorded and indexed in books specially provided therefor, and a certified copy of such certificate or amended or supplemental certificate with a certificate of the secretary of state of such filing and record, or a duplicate original of such certificate or amended or supplemental certificate shall be filed and similarly recorded and indexed in the office of the clerk of the county in which the office of the corporation is to be located, or, if it be a non-stock corporation, and such county be not determined upon at the time of executing the certificate of incorporation, in such county clerk's office as the judge approving the certificate shall direct. All taxes required by law to be paid before or upon incorporation and the fees for filing and recording such certificate must be paid before filing. No corporation shall exercise any corporate powers or privileges until such taxes and fees have been paid. (*As amended by chapter 285 of the Laws of 1902.*)

AN ACT IN RELATION TO TAXATION, CONSTITUTING CHAPTER TWENTY-FOUR OF THE GENERAL LAWS.

Chapter 908, Laws of 1896.

* * * * *

§ 4. Exemption from taxation.—The following property shall be exempt from taxation:

* * * * *

7. The real property of a corporation or association organized exclusively for the moral or mental improvement of men or women, or for religious, bible, tract, charitable, benevolent, missionary, hospital, infirmary, educational, scientific, literary, library, patriotic, historical or cemetery purposes, or for the enforcement of laws relating to children or animals, or for two or more of such purposes, and used exclusively for carrying out thereupon one or more of such purposes, and the personal property

of any such corporation shall be exempt from taxation. But no such corporation or association shall be entitled to any such exemption if any officer, member or employee thereof shall receive or may be lawfully entitled to receive any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes, or as proper beneficiaries of its strictly charitable purposes; or if the organization thereof, for any such avowed purposes be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes. The real property of any such corporation or association entitled to such exemption held by it exclusively for one or more of such purposes and from which no rents, profits or income are derived, shall be so exempt, though not in actual use therefor by reason of the absence of suitable buildings or improvements thereon, if the construction of such buildings or improvements is in progress, or is in good faith contemplated by such corporation or association; or if such real property is held by such corporation or association upon condition that the title thereto shall revert in case any building not intended and suitable for one or more of such purposes shall be erected upon said premises or some part thereof. The real property of any such corporation not so used exclusively for carrying out thereupon one or more of such purposes but leased or otherwise used for other purposes, shall not be exempt, but if a portion only of any lot or building of any such corporation or association is used exclusively for carrying out thereupon one or more such purposes of any such corporation or association, then such lot or building shall be so exempt only to the extent of the value of the portion so used, and the remaining or other portion, to the extent of the value of such remaining or other portion, shall be subject to taxation; provided, however, that a lot or building owned and actually used for hospital purposes, by a free public hospital, depending for maintenance and support upon voluntary charity shall not be taxed as to a portion thereof leased or otherwise used for the purposes of income, when such income is necessary for, and is actually applied to the maintenance and support of such hospital and further provided that the real property of any fraternal

corporation, association or body created to build and maintain a building or buildings for its meeting or meetings of the general assembly of its members, or subordinate bodies of such fraternity and for the accommodation of other fraternal bodies or associations, the entire net income of which real property is exclusively applied or to be used to build, furnish and maintain an asylum or asylums, a home or homes, a school or schools, for the free education or relief of the members of such fraternity, or for the relief, support and care of worthy and indigent members of the fraternity, their wives, widows or orphans, shall be exempt from taxation. Property held by any officer of a religious denomination shall be entitled to the same exemptions, subject to the same conditions and exceptions, as property held by a religious corporation. (*As amended by chapter 204 of the Laws of 1903, and chapter 336 of the Laws of 1906.*)

FIRE LAWS AND ORDINANCES.

I. Laws Relating to Fire Protection in Charitable Institutions.

AN ACT to protect the lives of the inmates of public buildings of state institutions and to protect said buildings against destruction by fire.

Chapter 535, Laws of 1895.

Section 1. It shall be the duty of each superintendent or chief executive officer of each of the public institutions of the state, supported wholly or partly by the funds of the state, to provide, that the following regulations for the protection of the inmates of said buildings and the buildings be complied with: There shall be provided a sufficient number of stand-pipes, with connections or outlets on each floor, to which a length of fire hose shall be attached, to properly protect the entire floor surface. All fire hose must be tested at least once in three months under the direction of the engineer, and employes must be trained in its use. Not less than six portable fire-extinguishers for each floor of each building, hand grenades and fire-pails kept constantly filled with

water and used for no other purpose shall be provided. Bath-tubs shall be kept filled with water during the night and pails ready for use placed near them. Suitable steps must be provided under windows used as exits to fire-escapes and all fire-escapes must be properly inclosed with wire netting. Wards of the state, if physically and mentally able, must be required occasionally to go up and down the outside iron stairways which must be provided in order to become accustomed to their use. If gas is used, the pressure shall be regulated by governor that the flow may be as nearly uniform as possible. All swinging gas jets in closets, clothes rooms, employes' rooms and in rooms occupied by wards of the state must be protected by wire screens. Gas stoves must be used only when absolutely necessary, and if used must be suitably inclosed with metal. Keroséne oil must not be used for lighting purposes unless the institution is not fully provided with gas or electric lights; and if such oil is used it must be of the highest fire test commercially obtainable. Candles must only be used in an emergency, and on the express authorization of the superintendent or chief executive officer. None but safety matches, or those which can be used only on a specially prepared surface, must be allowed in or about the institution, and, so far as possible, matches should be dispensed with and electric torches be supplied. All lanterns must be kept outside the buildings used for sleeping purposes, in charge of one person, who must regularly clean, replenish and distribute them. Painters' supplies and inflammable liquids of all kinds must not be stored in buildings occupied by wards of the state or employes. When oil or other inflammable substance is applied to floors, it must be applied only by persons skilled in its application, and all articles used in applying such inflammable material must be carefully destroyed after use. All attics and basements must be constantly kept free from rubbish or articles not necessary to the proper conduct of the institution, and must be regularly swept, cleaned and all broken or needless articles promptly removed.

§ 2. The moneys necessary to carry out the provisions of this act shall be supplied from the moneys annually appropriated for the maintenance of the above-described institutions.

AN ACT to protect human life.

Chapter 381, Laws of 1895.

Section 1. All hospital buildings used for general hospital purposes, or hospitals or asylums for the insane, or any hospital buildings which are more than two stories high, other than those which are fireproof in their construction shall have properly constructed iron stairways on the outside thereof, with suitable doorways leading thereto from each story above the first, for use in case of fire. It shall be the duty of the trustees, managers, owners or proprietors of such hospitals or asylums to cause such stairways to be constructed and maintained. If the trustees or owners of any hospital as herein described, except those owned and maintained by a city, a county, or the state, shall fail to provide such stairways before the first day of October, eighteen hundred and ninety-six, then the local authorities shall proceed to erect such stairways, and the cost thereof may be recovered by an action at law from the property of said hospital.

§ 2. The district attorney of each county is hereby charged with the execution of this statute, except in the case of hospitals erected or maintained by the state, city or by a county.

§ 3. This act shall take effect on the first day of October, eighteen hundred and ninety-five. The provisions of this act shall not apply to any institution in any of the cities or counties of this state, which the fire department of said city or district attorney of the county shall certify in writing to be fireproof to an extent which will not require the appliances and fixtures provided for in this act. The certificate exempting institutions from the operations of this act shall be filed during the month of January in each year, in the office of the county clerk of the county.

AN ACT providing for fire drills in the schools of this state.

Chapter 201, Laws of 1901.

Section 1. It shall be the duty of the principal or other person in charge of every public or private school or educational institution within the state, having more than one hundred pupils, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the

shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once in each month.

§ 2. Neglect by any principal or other person in charge of any public or private school or educational institution to comply with the provisions of this act shall be a misdemeanor punishable at the discretion of the court by a fine not exceeding fifty dollars. Such fine to be paid to the pension fund of the local fire department where there is such a fund.

§ 3. It shall be the duty of the board of education or school board or other body having control of the schools in any town or city to cause a copy of this act to be printed in the manual or handbook prepared for the guidance of teachers, where such manual or handbook is in use or may hereafter come into use.

§ 4. The provisions of this act shall not apply to colleges or universities.

II. Municipal Regulations in Regard to Fire Protection in Institutions.

ALBANY.

(No ordinances specifically regulating the matter of fire protection in charitable institutions.)

AUBURN.

REVISED CHARTER, TITLE XII.

§ 130. * * * They (the fire commissioners) shall have the power to enter from time to time any public building within said city for the purpose of inspecting the means of exit therefrom in case of fire. Said board shall have the power to compel the owner or lessee of any such building to make such changes by way of additional means of exit or of fire-escapes or both as they shall, by order duly adopted, deem necessary, and to fix the time within which such changes shall be made. * * * The said board may maintain suit in the name of "the board of fire commissioners of the city of Auburn" to enforce compliance with any order they may lawfully make on the premises.

BINGHAMTON.

ARTICLE II.

CITY ORDINANCES.

§ 6. * * * Every factory, mill, office building, hospital or asylum, or any place where invalids are treated; every building used in whole or in part as a place of instruction or assembly, shall be provided with suitable fire-escapes or means of egress. Such fire-escapes shall be constructed of iron with suitable balconies at each point of exit from the building except that the common council by a vote of two-thirds of all members elected thereto may grant permission to any owner of a building to construct and maintain suitable and proper wooden balconies and stairways on the rear of any building, in the place of the iron fire-escapes above specified provided such building shall not exceed four stories in height. The owner of any building upon which fire-escapes may now be or may hereafter be erected, shall keep the same in good repair, and no person shall at any time place any obstruction of any kind whatever before or upon any fire-escape from any building in said city. * * * Non-compliance with any of the provisions of this section shall subject the owner of the building to a penalty of fifty dollars and a further penalty of ten dollars for each and every thirty days the omission to comply with any provisions hereof shall continue, after notice by any city official to comply with the provisions of this ordinance. (*As amended July 20, 1896.*)

BUFFALO.

CITY ORDINANCES.

CHAPTER XII.

Section 11. All dwelling houses or blocks exceeding two stories; all buildings more than two stories in height to be used as a hotel, lodging or boarding house; every factory, mill, office building, hospital or asylum, or any place where invalids are treated; and every building used in whole or in part as a place of instruction or assembly, over two stories high, shall be provided with suitable and sufficient fire-escapes and means of egress, to be approved by the board of fire commissioners, and

to be erected and placed where and as directed by the chief or assistant or battalion chief of department; and any owner who shall hereafter erect any building of the class specified in this section, without complying herewith, shall forfeit and pay a penalty of not less than twenty-five nor more than one hundred dollars for each and every offense; and every owner of such building heretofore erected and used for any of the purposes herein specified, shall, on direction from the board of fire commissioners, cause suitable fire-escapes and stand-pipes, to be approved of by the said board, to be erected and placed on such buildings as and where directed by the chief or assistant or battalion chief of department, and in default thereof shall forfeit and pay a penalty of not less than twenty-five nor more than one hundred dollars for each and every month after such direction by said board.

ELMIRA.

CITY CHARTER, TITLE IX.

Section 167. The said board of fire commissioners shall have power and it shall be their duty * * * to compel the owners and occupants of houses and other buildings to have scuttles in the roofs and stairs and ladders leading to the same; * * * to compel the construction of suitable fire-escapes and means of egress from all theatres and places of amusement, hotels, churches, and factories and other buildings, and generally to establish such regulations for the prevention and extinguishment of fires and the safety of occupants of buildings, as they may deem expedient. * * *

NEW YORK CITY.

GREATER NEW YORK CHARTER.

Chapter 378, Laws of 1897.

Lights, precautions against fire and use of aisles in places of amusement.

Section 762. All lights used in theatres and other places of public amusement, manufactories, stores, hotels, lodging-houses and in show windows shall be properly protected by globes or glass coverings, or in such other manner as the fire commissioners shall prescribe. The owners and proprietors of all

manufactories, hotels, tenement-houses, apartment-houses, office buildings, boarding and lodging-houses, warehouses, stores and offices, theatres and music halls, and the authorities or persons having charge of all hospitals and asylums, and of the public schools and other public buildings, churches and other places where large numbers of persons are congregated for purposes of worship, instruction or amusement, shall provide such means of communicating alarms of fire, accident or danger, to the police and fire departments respectively, as the fire commissioner or police board may direct, and shall also provide such fire hose, fire extinguishers, buckets, axes, fire hooks, fire doors and other means of preventing and extinguishing fires as said fire commissioner may direct. In every building used or occupied as a hotel, lodging-house, or public or private hospital or asylum, there shall be employed by the owner or proprietor, or other person or persons having the charge and management thereof, one or more watchmen, whose exclusive duty it shall be to visit every portion of such building, at regular and frequent intervals, under rules and regulations to be established by the fire commissioner, for the purpose of detecting fire or other source of danger, and giving timely warning thereof to the inmates of the building. In every room of each of said buildings there shall be posted a card, upon which shall be printed a diagram showing the exits, halls, stairways, elevators and fire-escapes, and in the halls and passageways, signs shall be posted indicating the location of the stairs and fire-escapes. In each of the said buildings there shall be placed and provided electrical or other alarms and time detectors, to be approved by the fire commissioner, by means of which the movements of said watchman may be recorded, and through which alarms of fire or other danger may be instantly communicated, by means of bells or gongs, to every portion of the building. Said electrical apparatus, and all other appliances placed or kept within any of said buildings for the purpose of preventing or extinguishing fires, or for affording means of escape therefrom in case of fire, shall be kept at all times in good working order and proper condition for immediate use, and any member of the uniformed force of said department may enter any of the said buildings at any time for the purpose of inspecting said apparatus or appliances.

Transactions of fire department from March 3 to 8, 1902, inclusive.

The following was adopted and is hereby published as the general requirements of the fire commissioner of the city of New York established by virtue of section 762 of the Greater New York Charter, as to means of preventing and extinguishing fires in buildings of certain classes.

Hotels, lodging-houses, public or private hospitals or asylums shall provide:

One or more watchmen whose exclusive duty it shall be to visit every portion of the building at regular and frequent intervals, for the purpose of detecting fire or other source of danger, and giving timely warning thereof to the inmates of the building.

A time detector, by means of which the movements of said watchman may be recorded.

Electrical or other alarms through which alarms of fire and other danger may be instantly communicated by means of bells or gongs to every portion of the building.

Provide means of communicating alarms of fire, accident or danger to the fire department, and maintain the same in good working order.

Iron balcony fire-escapes (having one or more windows leading thereto from each room) having direct access to the ground, or rope fire-escapes in each of said rooms.

Cards in each room with diagram printed thereon, showing the exits, halls, stairways, elevators and fire-escapes.

Signs in halls and passageways indicating the location of stairs and fire-escapes, which signs shall be illuminated at night with lights having red globes or coverings.

Metal buckets filled with water at all times, and hooks and axes for fire use only, to be kept where directed by the officer serving notice.

Electrical apparatus and all other appliances placed or kept within any of said buildings for the purpose of preventing or extinguishing fires, or for affording means of escape therefrom in case of fire, shall be kept at all times in good working order and proper condition for immediate use.

THE BUILDING CODE OF THE CITY OF NEW YORK.

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§ 103. Fire-escapes.—Every dwelling-house occupied by or built to be occupied by three or more families, and every building already erected, or that may hereafter be erected, more than three stories in height, occupied and used as a hotel or lodging-house, and every boarding-house having more than fifteen sleeping rooms above the basement story, and every factory, mill, manufactory or workshop, hospital, asylum or institution for the care or treatment of individuals, and every building three stories and over in height used or occupied as a store or work-room, and every building in whole or in part occupied or used as a school or place of instruction or assembly, and every office building five stories or more in height, shall be provided with such good and sufficient fire-escapes, stairways, or other means of egress in case of fire as shall be directed by the department of buildings; and said department shall have full and exclusive power and authority within said city to direct fire-escapes and other means of egress to be provided upon and within said building or any of them. The owner or owners of any building upon which a fire-escape is erected shall keep the same in good repair and properly painted. No person shall at any time place any incumbrance of any kind whatsoever before or upon any fire-escape, balcony or ladder. It shall be the duty of every fireman and policeman who shall discover any fire-escape, balcony or ladder of any fire-escape incumbered in any way, to forthwith report the same to the commanding officer of his company or precinct, and such commanding officer shall forthwith cause the occupant of the premises or apartment to which said fire-escape, balcony or ladder is attached or for whose use the same is provided, to be notified either verbally or in writing, to remove such incumbrance and keep the same clear. If said notice shall not be complied with by the removal, forthwith, of such incumbrance, and keeping said fire-escape, balcony or ladder free from incumbrance, then it shall be the duty of said commanding officer to apply to the nearest police magistrate for a warrant for the arrest of the occupant or occupants of the said premises or apartment of which the fire-escape forms a part, and the said parties shall be brought before the said magistrate, as for a misdemeanor; and, on con-

viction, the occupant or occupants of said premises or apartment shall be fined not more than ten dollars for each offense, or may be imprisoned not to exceed ten days, or both, in the discretion of the court. In constructing all balcony fire-escapes, the manufacturer thereof shall securely fasten thereto, in a conspicuous place, a cast-iron plate having suitable raised letters on the same, to read as follows: Notice: Any person placing any incumbrance on this balcony is liable to a penalty of ten dollars and imprisonment for ten days. All buildings requiring fire-escapes shall have stationary iron ladders leading to the scuttle opening in the roof thereof, and all scuttles and ladders shall be kept so as to be ready for use at all times. If a bulkhead is used in place of a scuttle, it shall have stairs with sufficient guard or hand-rail leading to the roof. In case the building shall be a tenement house, the door in the bulkhead or any scuttle, shall at no time be locked, but may be fastened on the inside by movable bolts or hooks.

(Revised from New York City Consolidation Act, chapter 410, of the Laws of 1882, § 498, as amended by chapter 275 of the Laws of 1892, § 34.)

* * * * *

The powers conferred upon the municipal authorities to require the construction of fire-escapes are clearly constitutional, and are not obnoxious to the objections that the party affected is deprived of his property without due process of law. *Supreme Court, October, 1884, Fire Dept. v. Sturtevant*, 33 Hun, 407.

The power to require the erection of fire-escapes being given to the building department in direct terms, it must be exercised by the department as such.

The statute is not satisfied with the action and direction of one of the subordinate bureaus or subordinate bureaus or officers of the department. *Supreme Court, October, 1884, Fire Dept. v. Sturtevant*, 33 Hun, 407, followed in *Supreme Court, June, 1898, Greenhaus v. Alter*, 30 App. Div. 585.

§ 105. Fireproof buildings.—Every building hereafter erected or altered, to be used as a hotel, lodging-house, school, theatre, jail, police station, hospital, asylum, institution for the care or treatment of persons, the height of which exceeds thirty-five feet, excepting all buildings for which specifications and plans have been heretofore submitted to and approved by the department of buildings, and every other building the height of which exceeds seventy-five feet, except as herein otherwise provided, shall be built fireproof, that is to say, they shall be constructed with walls of brick, stone, Portland cement concrete, iron or steel, in which wood beams or lintels shall not be placed, and in which the

floors and roofs shall be of materials provided for in section one hundred and six of this code. The stairs and staircase landings shall be built entirely of brick, stone, Portland cement concrete, iron or steel. No woodwork or other inflammable material shall be used in any of the partitions, furrings or ceilings in any such fireproof buildings, excepting, however, that when the height of the building does not exceed twelve stories nor more than one hundred and fifty feet, the doors and windows and their frames, the trims, the casings, the interior finish when filled solid at the back with fireproof material, and the floor boards and sleepers directly thereunder, may be of wood, but the space between the sleepers shall be solidly filled with fireproof materials and extend up to the underside of the floor boards.

ROCHESTER.

BUILDING ORDINANCES OF 1897 WITH AMENDMENTS.

CHAPTER IV.

§ 7. All buildings hereafter erected to be used as hotels, hospitals, asylums, or institutions for the care or treatment of persons, or used in whole or in part as a public school the height of which exceeds thirty-five feet, shall be fireproof.

CHAPTER VI.

§ 141. All buildings in said city wherein manufactories are conducted, and all buildings now erected, or that hereafter may be erected, more than three stories in height, occupied by, or built to be occupied by, three or more families above the first story, and every building already erected, or that hereafter may be erected, more than three stories in height, occupied or used as a hotel, lodging-house, or boarding-house having more than fifteen rooms, and every factory, mill, office building, manufactory or workshop, hospital, asylum or institution for the care or treatment of individuals, and every building in whole or in part occupied or used as a school or place of instruction or assembly, shall have constructed thereon good and suitable fire-escapes, and such other means of egress in case of fire, as the common council may direct.

§ 142. The owners or occupants of all buildings mentioned in the preceding section shall have scuttles on the roofs of such

buildings, and shall cause to be constructed and maintained stationary iron stairs or ladders leading to said scuttles, which scuttles and stairs shall be kept ready for use at all times.

§ 144. All fire-escapes shall be connected with each floor above the first, well fastened and secured, and of sufficient strength, and shall have landings or balconies not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, and embracing at least two windows at each story, and connected with the interior by easily accessible and unobstructed openings and the balconies or landings shall be connected by iron stairs not less than twenty-four inches wide, the steps not to be less than six inches tread, placed at an angle of not more than forty-five degrees slant, and protected by a well secured hand rail on both sides, with a suitable twelve-inch-wide drop-ladder from the ladder platform reaching to the ground. The windows or doors to each fire-escape shall be located as far as possible, consistent with accessibility from the stairways and elevator hatchways or openings and the ladders thereof shall extend to the roof.

§ 145. Any other plan or style of fire-escape shall be sufficient if approved by the fire marshal of said city, but if not so approved the fire marshal may notify the owner, proprietor or lessee of said building, in writing, that such other plan or style of fire-escape is not sufficient, and may by an order in writing require one or more fire-escapes, as he shall deem necessary and sufficient, to be provided for said building, at such location and of such plan and style as shall be specified in such written order, not, however, in conflict with the provisions of this ordinance.

§ 146. Within twenty days after the service of the above mentioned order, the number of fire-escapes required therein for said buildings shall be provided therefor, each of which shall be either of the plan and style required in said order, or of the plan and style in this ordinance described and declared to be sufficient.

§ 147. If any person, firm or corporation, shall neglect or refuse to construct suitable fire-escapes and other means of egress in case of fire, as directed and required by this ordinance, the fire marshal shall cause such fire-escapes or means of egress to be constructed, and the expense thereof, and ten per centum in

addition, shall be collected from the person, firm or corporation required to construct such fire-escapes and means of egress.

§ 148. The owner or owners of any building upon which fire-escapes are now or hereafter may be placed or erected shall keep the said fire-escapes in good repair and well painted and no person shall at any time place any incumbrance of any kind whatever before or upon any such fire-escape.

§ 150. Every building or part thereof which shall appear to the fire marshal to be specially dangerous, by reason of bad condition of walls, overloaded floors, defective construction, lack of guards against fire, or other causes, shall be held to be unsafe; and the fire marshal shall immediately notify the owner or lessee to cause the same to be repaired, and shall also affix a notice of the dangerous character of the structure in a conspicuous place on the exterior wall of such building, and no person shall remove or deface such notice so affixed. The owner or party having an interest in the unsafe building or structure mentioned in this section, being notified thereof in writing by the fire marshal, immediately shall cause the same to be made safe and secure, and if any such building shall be used for any purpose requiring a license therefor, the mayor may revoke said license on neglect of the owner to repair said building. Where the public safety requires immediate action, the fire marshal may enter upon the premises with such assistance as may be necessary, and cause the said structure to be made secure or taken down without delay, at the expense of such owner or party interested.

BUILDING ORDINANCES OF 1904.

CHAPTER 1, ARTICLE II.

§ 46. Fire-escapes.—Outside iron stair fire-escapes or inside fire stairways herein specified shall be constructed in or upon every building more than two stories in height, not having more than one means of egress, used as a hotel, tenement-house, apartment-house, lodging-house, factory, mill, office building, hospital, asylum, school or public building. The number and location of such fire-escapes and fire stairways shall be governed by the location of the building, its style of construction, size, constructed means of egress, number of inmates and the purposes for which used.

When inside fire stairways are adopted they shall be constructed entirely of fireproof material, inclosed with fire walls and shall connect with a passageway leading directly to the street, without any connection whatever with the basement. They shall have standard fire doors, self-closing, at every landing, which doors must never be blocked or fastened. When outside fire-escapes are adopted they shall consist of open iron stairways of not more than forty-five degrees slant with steps not less than six inches in width, and twenty-four inches in length and protected by a well secured hand rail on both sides. They shall be connected with each floor above the first, well fastened and of sufficient strength, and shall have landings or balconies, not less than six feet in length and three feet in width guarded by iron railings not less than three feet in height, and embracing at least two windows at each story, connected with the interior by easily accessible and unobstructed openings. The windows or doors to each fire-escape shall be located as far as possible, consistent with accessibility, from the stairways and elevator hatchways or openings, and the ladders thereof shall extend to the roof. Drop stairs shall reach from the lowest platform to the ground, and shall be hinged and hung with a counterweight suspended to chain or cable with the said weight entirely inclosed in iron pockets, in which it shall move freely up and down; and the weights of all fire-escapes now existing shall be inclosed in such iron pockets. Any other plan of outside iron stair fire-escape, substantially as above required, shall be sufficient if approved by the bureau. Fire-escapes shall be kept painted and in good repair, and no person shall place any encumbrance whatsoever before or thereon. If any person shall neglect or refuse for thirty days after notice in writing from the bureau to construct such outside iron stair fire-escape, or inside fire stairways as this ordinance requires, and the bureau shall direct, said bureau may cause such fire-escape or stairways to be constructed, and the expense thereof, and ten per centum in addition, shall be collected from such person by an action brought by the corporation counsel in the name of the city of Rochester, and this shall be in addition to the other penalties provided in this ordinance. The owner of all buildings mentioned in this section shall have scuttles on the roofs, and shall cause to be constructed and maintained stationary iron stairs

or ladders leading to said scuttles which scuttles and stairs shall be kept ready for use at all times.

SCHENECTADY.

(No ordinances specifically regulating the matter of fire protection in charitable institutions.)

SYRACUSE.

CITY CHARTER (*Revised*).

§ 202. Subdivision 17. Every building already built, or hereafter to be erected, in which twenty-five or more persons occupy any of the stories above the second story, shall be provided with proper and sufficient strong and durable metallic fire-escapes or stairways constructed as required in this act, unless exempted therefrom by the fire marshal, which shall be kept in good repair by the owner of such building, and no person shall at any time place any incumbrance upon any of such fire-escapes.

TROY.

CITY ORDINANCES.

Section 1. Every building in the city of Troy, now erected or which may be hereafter erected, of three or more stories in height occupied or used, or intended to be occupied or used as a hotel, tavern, inn, factory, workshop, asylum, hospital, public hall or theatre, shall be provided with one or more fire-escapes, as may be determined by the chief engineer and the assistant engineers of the fire department and the fire department committee of the common council. Such fire-escapes shall, when in use, reach from the roof of such hotel, tavern, inn, factory, workshop, asylum, hospital, public hall or theatre to within ten feet of the street, road or sidewalk, and be of the latest and most approved service, style and pattern now in practical use, and such as shall be approved by the said chief engineer and assistant engineers of the fire department and the fire department committee of the common council. And it is hereby declared to be the duty of the owner, lessee, agent or occupant of every such building as is herein named to provide such building with one or more fire-escapes as herein directed.

§ 2. The chief engineer and the assistant engineers of the fire department and the chairman of the fire department committee of the common council of the city of Troy shall, after the passage of this ordinance, make an inspection of the buildings mentioned in section one (1) of this law, and report all violations to the city attorney, who is hereby directed to prosecute the owners, lessees, agents or occupants of buildings so reported before the police magistrates of the city of Troy.

§ 3. Any owner, lessee, agent or occupant of any building described in the first section of this ordinance who shall neglect or refuse to comply with the provisions of said section, shall upon conviction thereof before the police magistrate of said city be punished for each and every such offense by a fine not exceeding fifty dollars nor less than twenty-five dollars, or by imprisonment not exceeding thirty days nor less than ten days in the county jail, or by both such fine and imprisonment.

§ 4. This ordinance shall not apply to any building or buildings having metal beams and metal stairways.

§ 5. This ordinance shall take effect on the first day of August, eighteen hundred and eighty-five.

UTICA.

(Utica has no building laws or code relating to the protection of institutions, but such laws are in preparation.)

YONKERS.

(No ordinances specifically regulating the matter of fire protection in charitable institutions, but such ordinances are under consideration.)

III. Requirements of the State Board of Charities as to Fire Protection in Charitable Institutions.

The State Board of Charities in considering the question of proper fire protection for the inmates of institutions, bases its requirements upon the following:

1. The general laws of the State dealing with the matter.

2. The building laws and ordinances of the respective localities and the requirements of local fire commissioners, departments of public safety, and similar regulations.

3. The necessity for reasonable protection of inmates, particularly young children and sick and aged persons, in institutions not affected by the foregoing laws and ordinances.

When making an inspection of an institution subject to the jurisdiction of this Board the inspectors of this department are instructed to examine with care the facilities provided for the protection of buildings and inmates, in the event of fire, and to ascertain the extent to which the law is complied with and the buildings and inmates protected against fire. Examination is made and data secured upon the following points, which cover the more important provisions of the laws and ordinances in regard to the matter, in force in this state at the present time :

1. The neighborhood hazard.

2. Height and material of buildings and whether of fireproof construction or not.

3. Number and location of exits, interior stairways and elevator shafts and whether fireproof.

4. Number, location and construction of outside stairways* and fire-escapes, and if same can be reached easily.

5. Fire alarm connection, and date of last inspection by local fire department.

6. Number and location of hydrants and standpipes; length and condition of hose, and how often tested.

7. Number and location of portable fire-extinguishers, hand grenades and fire-pails.

8. Organization and practice of fire drills.

9. Whether night patrol service is established with use of watchman's clock.

10. Protection given swinging gas jets and other heating or lighting fixtures in proximity to woodwork.

* Chapter 381 of the Laws of 1895 requires all hospitals over two stories in height and not of fireproof construction to be provided with outside iron stairways, the design being to afford means for the removal of surgical or bedridden patients on stretchers, when any other method of handling would be dangerous.

11. Presence of rubbish, particularly in attics, cellars, etc., or of oils and inflammable liquids, and care given same.

An institution found to be complying with the law and satisfactorily equipped in the above particulars, and whose officers give due attention to fire drills, night patrol service, care of oils, inflammable liquids and the disposal of rubbish, is considered by the Board to be adequately protected.

IV. Suggestions for Protection of Buildings and Inmates against Fire.

1. Buildings of charitable institutions should be of fireproof construction if possible.

2. Interior stairways and elevator shafts should be made fire-proof, and in the case of the stairs, sufficiently broad to permit all persons on floors above to pass down without delay.

3. Outside iron stairways of easy descent and connecting with each dormitory should be provided to furnish means of escape in case the interior stairways and elevators are cut off by fire. For safety these should be inclosed with heavy wire netting and provided with iron hand rails.

4. Direct fire alarm connection is most desirable. Telephone is not considered as satisfactory as an electric alarm connection.

5. Interior facilities should include a sufficient number of portable fire-extinguishers, hand grenades, and fire-pails, and in buildings of more than two stories, standpipes with sufficient hose attached to reach every part of each floor. The hose should be tested every three months, the fire-pails kept filled and the extinguishers recharged annually, the date of recharging being shown on a tag attached to the extinguisher.

6. Regular fire drills both for employees, and, where their physical condition permits, for inmates as well, should be held in order to accustom them to the work of rapid removal from the buildings and thus prevent confusion or excitement in case of a real alarm.

7. A night watchman should patrol the building during the entire period when the day employees are off duty, and should be

required to register his visits to different parts of the institution by means of a watchman's clock.

8. Stationary gas jets should be protected by globes or wire screens, and all swinging jets made stationary. All woodwork in proximity to stoves should be protected by sheets of metal.

9. All parts of the building, particularly cellars and attics, should be kept free from rubbish, and rags used in oiling floors, etc., should either be destroyed after using or kept in metal cans or boxes.

10. Great care should be exercised in the storage and handling of paints, oils, and other inflammable liquids. Oil stoves and lamps should not be used if avoidable and should never be filled or trimmed after dark; if oil is used it should be of the highest fire test.

11. A high grade of safety or sulphur matches should be used.

12. Ashes should never be collected in wooden barrels or boxes, but in metal cans.

13. Fire-escapes, stairways, halls, passageways, windows or doors should never be encumbered with boxes, barrels, etc., as in the event of fire these would interfere with the escape of the inmates and hinder the firemen in their work.

V. Suggestions for Suitable Fire Escapes.

In view of the recent losses of life in fires in charitable institutions by reason of the absence of escapes or because the escapes provided were defective or unsuitable, the following suggestions as to what kind of escapes are best adapted to charitable institutions are submitted:

1. FOR HOMES FOR CHILDREN, INDUSTRIAL SCHOOLS, REFORMATORIES, ETC.

Outside iron stairways not less than twenty-four inches wide, guarded by hand rails and preferably enclosed with wire netting.

Such escapes to connect with all the dormitories and all approaches to escape to be kept free and clear.

Stairs to be placed at an angle for easy descent (not to exceed 55 degrees; preferably from 45 degrees to 50 degrees).

Treads to be not less than six and one-half inches wide and preferably from seven and one-half to nine inches wide.

Spaces between treads to be not more than ten inches.

Ladder escapes are of little value except for the larger boys, and as a means of ingress for firemen.

Stairway escapes may be broken into a number of short flights or may extend the full length of each story of the building.

2. FOR HOSPITALS, HOMES FOR THE AGED, ETC.

Stairway escapes as above but of greater width—not less than three feet—are recommended.

Platforms, approaches, etc., to be wide enough to permit handling an operative case on a stretcher or mattress without injury, in case the interior stairs and elevators were cut off by flames or smoke.

Such escapes to connect with all wards and be accessible from all private rooms. Approaches to the escapes to be through doors which should open freely (rather than through windows which make exit difficult at best). Both approaches and escapes to be kept free and clear.

VI. Fire Drills.

1. HOMES FOR CHILDREN, INDUSTRIAL SCHOOLS, REFORMATORIES AND OTHER INSTITUTIONS WITH ACTIVE INMATES.

The kind of drill recommended for homes for children is that required by chapter 201, Laws of 1901, entitled "An act providing for fire drills in the schools of this state." Under the provisions of that act the principal of every public or private school in the State having more than 100 pupils is required to instruct and train the pupils in his school so that they may be able to leave the building in the shortest possible time without confusion or panic. The children in homes should in like manner be practiced in rapid dismissal exercises, using both the interior stairways and the outside escapes. The caretakers and other employees should be assigned to certain stations in connection with this drill and carefully instructed as to their duties in emergencies. The caretakers of the children under five years of age should be

most carefully instructed and drilled in the best method for removing their charges from the building promptly.

The following is an outline of plan for the organization of a fire drill similar to that practiced in a number of homes in this State:

ORGANIZATION.

1. The superintendent, or in his absence the matron, head teacher, or engineer in this order to be in chief command and to have direction of the drill as a whole.

2. The head officer of each department of the home to be responsible for his department to the superintendent or his substitute and to be in command of that department.

3. Each caretaker and teacher to be in command of and responsible for the children in his dormitory or class room (under the head officer of his department).

4. The children in each dormitory or class room to be organized into squads of ten, one of the older children (captain) being in charge of each squad.

A plan of organization for such a drill may be shown graphically as follows:

Superintendent.									
Matron				Head Teacher					
Care-taker		Care-taker		Care-taker		Teacher		Teacher	
Captain	Captain	Captain	Captain	Captain	Captain	Captain	Captain	Captain	Captain
10	10	10	10	10	10	10	10	10	10
girls	girls	girls	girls	girls	girls	boys	boys	boys	boys

PRACTICE.

At a given signal (fire alarm) the children in each school room or dormitory form in squads under the direction of the teacher or caretaker, and march out into the corridors where they take their proper places in the formation composed of the entire population on that floor of the building. The entire company then marches in regular order and without delay or confusion down the stairs and out of the building, following a similar company made up of the children from the floor below. The company of children from the first floor should march out first, followed by the company from the second floor and so on through the building. If the building has more than one exit the companies may be formed accordingly so as to secure more rapid dismissal.

The outside fire-escapes as well as the interior stairways should be used as means for egress during these drills, so that the children may become accustomed to them and be able to leave the building by any means of exit without confusion or panic in case the interior stairway should be cut off by fire or smoke.

All employees should be instructed in the use of the extinguishers and other fire-fighting apparatus as a part of the fire drill and certain of them, other than the teachers and caretakers if possible, assigned to particular duties in connection with the use of this apparatus, when an alarm is given.

Where infants and small children are in the institution the drill should include practice in the speedy removal of these children by the caretakers, nurses and other employees assigned to this duty.

2. HOSPITALS, HOMES FOR THE AGED AND OTHER INSTITUTIONS WITH HELPLESS INMATES.

In these institutions the removal of patients in the event of fire is more difficult and laborious than in those cases where the inmates are active persons. Many of the patients must be carried out bodily, some of them on mattresses or stretchers, and without delay or injury. Accordingly the fire drill cannot be actively participated in by the patients but must consist in the practice of movements looking to the rapid removal of patients by the nurses, orderlies and employees. For medical reasons it is often not advisable to actually remove the patients from the

ward during the drill, but this fact does not affect materially either the need for or the value of such a drill.

The employment of a competent expert for a brief period sufficient to instruct and train the staff of employees, as has been done in some of the larger public hospitals in New York City, is recommended by the board, where possible.

The drill should include the following matters:

1. Instruction of the staff of employees in the use of the fire-fighting apparatus, and practice in the same.

2. The organization of the staff for the purposes of this drill and the assignment of the resident physicians, nurses, and employees to particular positions and duties in connection with the work of removing the patients; these positions to be taken immediately upon the signal (alarm) being given.

3. Instruction and practice in the handling and carrying of stretchers and other work having to do with the removal of patients.

Weekly or fortnightly practice of these drills is necessary to secure and retain their effectiveness.

STATUTES AND RULES RELATING TO CORPORATIONS.

The written approval of the State Board of Charities is necessary—

1. For the incorporation of any institution for the purpose of receiving, boarding or keeping any nursing children, or any children under the age of twelve years, not pupils or wards.

(Chapter 171, Laws of 1894, referring to Penal Code, section 288.)

2. For the extension of the purposes of a membership corporation, if the care of orphan, pauper or destitute children be included.

(Chapter 559, laws of 1895, Article I, section 4.)

3. For the incorporation of any membership corporation mentioned in the second paragraph of section 31 of Article II of the Membership Corporations Law, chapter 559 of the Laws of 1895, and of hospital corporations.

4. The State Board of Charities shall approve or disapprove the organization and incorporation of all institutions of a charitable, eleemosynary, correctional or reformatory character, which are or shall be subject to the supervision and inspection of the board. (Art. I, sec. 9, subd. 4, chap. 546, Laws of 1896.)

**RULES OF STATE BOARD OF CHARITIES TO BE OBSERVED
BY PERSONS PRESENTING CERTIFICATES OF INCORPORATION FOR APPROVAL.**

The rules to be observed as to all certificates of incorporation presented to the State Board of Charities for its approval are as follows:

1. Such certificate shall be executed in duplicate and presented in due form, duly executed, and acknowledged by the proper persons before competent officers, as the special law may direct, and without erasures or interlineations; and should contain in full every statement directed by the statute. In the articles hereinbefore given these statements are italicized.

2. Each certificate shall state the law under which it is proposed to incorporate.

3. A copy of such certificate shall also be furnished for filing with the State Board of Charities.

Additional rules setting forth the duties of the Commissioners and the officers of the Board in regard to certificates of incorporation and application for approval are laid down in Article X of the By-Laws.

BY-LAWS OF THE BOARD.

(As amended to June 1, 1902.)

I. ON THE MEETINGS OF THE BOARD.

1. Stated meetings of the Board shall be held on the second Wednesday in January, April, July and October, and unless otherwise ordered by the Board, at 3 o'clock p. m.

2. All stated meetings of the Board shall be held at the office of the Board at the Capitol in the city of Albany, unless otherwise specially ordered by the Board.

3. The Board, or the President, may direct special meetings to be called.

4. The President shall direct a special meeting to be called on the written request of two Commissioners stating the particular purpose for which the meeting is desired.

5. Notice of meeting shall be given by mailing the notice to each Commissioner at his last known place of address, and when practicable, such notice shall be given at least ten days in advance.

6. Notice of special meetings shall state the particular purposes for which the meetings are called.

II. ON THE CONDUCT OF BUSINESS.

1. If at the time appointed for the meeting of the Board the President and Vice-President are both absent, any Commissioner may call the meeting to order, and a chairman shall be chosen.

2. At the meetings of the Board the following order of business, unless otherwise ordered shall be observed:

Reading of the minutes of previous meetings.

Election of officers.

Reference of accounts.

Unfinished business of the last meeting.

Reports of standing and special committees.

Reports on proposed incorporations.

Communications from Commissioners and officers.

Miscellaneous business.

3. At a special meeting, the object of the meeting shall be stated by the chair immediately after the minutes of the last meeting have been read, and no other business than that stated in the call shall be considered at such meeting, unless ordered by the concurrent vote of all the Commissioners present.

4. All resolutions shall be in writing and, with the name of the mover, shall be entered on the minutes.

5. On the demand of any Commissioner, the vote on any question shall be taken by ayes and noes, and entered on the minutes.

6. All questions of order and proceeding, not specially provided for in these By-Laws, shall be governed by Cushing's Manual.

7. The minutes of all meetings of the Board shall be printed as soon after adjournment as possible, and a copy furnished to each Commissioner.

III. ON THE ELECTION OF OFFICERS.

1. The stated meeting in April shall be the annual meeting of the Board.

2. At this meeting it shall elect by ballot a President and a Vice-President.

3. The President and Vice-President so elected shall hold their respective offices for one year and until their successors are elected.

4. All other officers or agents, unless their term of office be fixed by law, or by these By-Laws, shall hold office at the pleasure of the Board.

IV. ON THE PRESIDENT AND VICE-PRESIDENT.

1. The President shall have general supervision of the affairs of the Board, and shall preside at the meetings.

2. He shall represent the Board before the Governor, Executive Department and Legislative Committees, unless otherwise ordered by the Board and may request any Commissioner or officer to assist him or appear in his stead.

3. The Vice-President shall perform the duties of President whenever the President is unable to perform the duties assigned to him by these By-Laws.

V. ON THE SECRETARY.

1. The Secretary shall reside in the city of Albany, and shall be in attendance at the office of the Board during the hours of business, unless called elsewhere by official duties, or unless excused by the Board.

2. He shall have general supervision of employees and of all branches of the Board's work, and shall aid the Commissioners and other officers of the Board in the performance of their duties whenever required.

3. He shall submit to the Committee on Publication, on or before the second Wednesday of October in each year, the subjects of which it is proposed to treat in the annual report, and the text of the report shall be completed and submitted by him to said Committee on or before the first Wednesday of December.

4. He shall have general charge of the office; superintend the clerical business; and, except as otherwise provided by these

By-Laws, conduct the correspondence of the Board, and be the medium of communication of its orders and requests under its direction.

5. He shall attend the meetings of the Board, and keep the records of the same.

6. He shall make examination of, and certify to, the correctness of all expense accounts presented for the audit of the Board, and attest the audit of all bills allowed by the Board.

7. He shall keep a record of all accounts audited by the Board, and report at each stated meeting the condition of the several appropriations.

8. He shall advise the Commissioners of any proposed legislation affecting institutions under the supervision of the Board, or which in any manner concerns its interests or its work, and furnish them with all legislative bills bearing on such subjects.

9. The Secretary shall bring to the attention of the appropriate committees of the Board any matter requiring their consideration or action, and shall also make a report thereof to the Board at the first meeting thereafter.

10. He shall perform such other duties as are especially assigned to him by these By-Laws, on which the Board may from time to time direct.

VI. ON THE SUPERINTENDENT OF STATE AND ALIEN POOR.

1. The Superintendent of State and Alien Poor shall have supervision of the State, Alien and Indian dependent classes, and shall perform all the duties required by law, or prescribed by the Board, for their care and final settlement.

2. He shall supervise and direct the work of the inspectors of almshouses, transmitting copies of their reports, through the Secretary, to the Commissioners of the respective districts; the work of the inspector of State charitable institutions, transmitting copies of his reports, through the Secretary, to the respective committees of the Board having jurisdiction of such institutions; and the work of the other employees in his department, requiring each, with the exception of the clerks at the office in the Capitol, to file in his office a daily record of their work. He shall cause the State institutions, within the Board's

jurisdiction, to be inspected at least quarterly, and the other institutions within the Board's jurisdiction, which are in receipt of State moneys, and the almshouses and their auxiliary institutions, at least once in every six months.

3. He shall also supervise the work devolved upon the Board by chapter 264 of the Laws of 1898, "An act to prevent evils and abuses in connection with the placing out of children," and shall keep as full a record as practicable, of the cases of children placed out in this State, reporting, through the Secretary, to the Committee on Placing Out of Children, any evils, defects or abuses discovered in connection with such work.

4. He shall preserve, in suitable form for reference, the records of each individual of the above classes who may come under his official care.

5. He shall examine all accounts pertaining to State, Alien and Indian poor, and, before said accounts are presented to the Board for audit, shall certify to their correctness.

6. He shall, in his visitations of State charitable and reformatory institutions and almshouses, examine and inquire into any violations of the laws in respect to the retention of children, epileptics, insane and feeble-minded in these institutions, and, also, as to the necessity of providing more suitable and better care for any of the inmates of such institutions, and report quarterly to the Board the results of his examinations and inquiries. It shall also be his duty to keep a register of all epileptics, idiots and feeble-minded persons committed to institutional care, and in such manner as will show the status of each and every such epileptic, idiotic and feeble-minded inmate so committed.

7. He shall make quarterly reports of his work and shall prepare, for the annual reports of the Board, a full statement of the work performed in the bureau under his charge, with such suggestions and recommendations as he may deem important.

VII. ON THE SUPERINTENDENT OF INSPECTION.

1. The Superintendent of Inspection shall, subject to the pleasure of the Board, have charge of the visitation and inspection of all institutions, societies or associations which are of a charitable, eleemosynary, correctional or reformatory character, ex-

cepting State institutions and those having the custody of State, Alien and Indian poor.

2. He shall supervise and direct the work of the superintendents, inspectors and other employees in his department, requiring each, with the exception of the clerks in the office in the Capitol, to file in his office a daily record of their work.

3. He shall organize and maintain such methods of visitation and inspection of the above classified institutions, societies or associations, as will furnish the Board reliable information as to the official conduct of trustees, directors and other officers and employees of the same; the success of the management in each in promoting the physical and moral well-being of the inmates; whether the objects of the several institutions, societies or associations are accomplished; whether the moneys appropriated for their aid are or have been economically and judiciously expended; whether the laws in relation to them and the rules of the Board governing the reception and retention of inmates have been fully complied with; and all other matters pertaining to their usefulness.

4. He shall have charge of the reports, provided in section 2, Rule III., of rules established by the Board pursuant to section 14, Article VIII., of the Constitution, and shall maintain such a system of registration of the inmates of the institutions, societies or associations classified under said section 2, as will show the present status of each of said inmates.

5. He shall make quarterly reports of his work, and prepare for the annual reports of the Board a full statement of the work performed during the year in his bureau, with such suggestions and recommendations as he may deem important.

VIII. ON THE VISITATION AND INSPECTION BY COMMISSIONERS.

1. All the institutions of a district subject to the inspection of this Board shall be under the special supervision of the Commissioner or Commissioners resident in such district. It shall be the duty of the Commissioners to visit and inspect said institutions as often as in their opinion the public interests require, and whenever directed by the Board.

2. In case of inability, from any cause, of a Commissioner, to discharge the duty of supervision, visitation and inspection imposed by this By-Law, the board shall assign it, in whole or in

part, to another Commissioner or to an officer of the Board. But this By-Law shall not be construed to impair the right of the Board to direct special investigations or examinations of the affairs and management of any institution, society or association, or to institute and pursue investigations on any subject germane to its work in any district or county of the State.

3. The President may, during the recess of the Board, appoint a committee of one or more Commissioners to make a preliminary investigation into the affairs, management and conduct of any institution, society or association subject to its supervision, with the full powers conferred by law.

IX. ON THE OBJECTS OF VISITATION AND INSPECTION.

The subjects of inquiry, inspection and examination of institutions, societies or associations under the supervision of the Board, shall be as specified in chapter 546 of the Laws of 1896, article I., section 11.

X. ON THE APPROVAL OF CERTIFICATES OF INCORPORATION.

1. Whenever application is made to the State Board of Charities for the approval of a certificate of incorporation, the application shall first be sent to the Secretary of the Board, at the Capitol, for record, and submission to the Attorney-General, or to the counsel of the Board for opinion as to legal form, and shall then forthwith be referred by the Secretary to the Commissioner or Commissioners resident in the district from which the application is made.

In case of an application from a district in which there is more than one resident Commissioner, such certificate shall be sent to such Commissioner as may be appointed by the Commissioners resident in such district.

2. It shall be the duty of the Commissioner acting alone or with such Commissioner or Commissioners as he may invite, to inquire by personal examination or by a public hearing upon notice into the merits of the application, and specially to consider the following points:

(a) The desirability of the existence of such an institution as is proposed to be incorporated, at the time and place and under the circumstances set forth in the application and certificate.

(b) The character and standing, in the community, of the proposed incorporators.

(c) The financial resources of the proposed institution, and its sources of future revenue.

3. Such Commissioners shall report to the Board in writing, before final action upon the application, the result of the examination and the recommendation based thereon, and this report, together with all papers in the matter of the application, shall be filed in the office of the Board.

XI. ON THE ANNUAL REPORT.

1. The Committee on Publication shall have general supervision of the preparation of the report by the Secretary, and shall have power to select or reject matter, subject to the final action of the Board.

2. The annual report shall contain such statements, items and particulars as are specified in chapter 546 of the Laws of 1896, or in the acts amendatory thereof or supplemental thereto, and also such other matters relating to the institutions, societies or associations under the supervision of the Board, as the Committee may deem necessary and proper.

3. The title of each paper intended for publication with the annual report, shall be filed in the office of the Board on or before the second Wednesday of October, and no paper, report or document, the title of which is not so filed, shall be received or considered for the annual report of the Board, except on special leave of the Committee on Publication, nor shall any such report, paper or document be published in the appendix of the annual report, unless the same shall have been read through by at least one member of said Committee, reported favorably to and approved by the Board.

4. It shall be the duty of the Committee on Publication to submit the text of the report, in proper form for transmission to the Legislature, to the Board on or before the second Wednesday of December.

XII. ON THE OFFICE OF THE BOARD.

1. The office of the Board, in the Capitol at Albany, is the authorized depository of all books, papers, records and documents,

the property of the Board, and shall, so far as practicable, be the place for the transaction of its business.

2. The office shall be kept open on all secular days, except legal holidays, from 9 a. m. to 5 p. m.

XIII. ON THE ACCOUNTS OF THE BOARD.

1. All bills or accounts made by virtue of any law whose execution is under the supervision of the Board, shall receive the audit of the Board or of the Finance Committee before presentation to the Comptroller for payment.

2. A copy of all accounts passed by the Board or Finance Committee shall be kept in the office.

3. No indebtedness chargeable to any appropriation, shall be incurred by any Commissioner or officer except on the order of the Board or Finance Committee, but this provision shall not apply to the personal expenses of Commissioners, expenses incurred by the Superintendent of State and Alien Poor, the Inspector of Charities, the Secretary, or the miscellaneous contingent expenses of the office.

4. All appropriations made by the Legislature for the use of the Board shall be entered in books prepared for that purpose, and in connection with each appropriation, every item of expenditure, duly authorized and made chargeable to said appropriation, shall be recorded, and these accounts shall be so kept as to show at all times the available balance of each appropriation remaining to the credit of the Board.

XIV. ON THE COMMITTEES.

There shall be the following Standing Committees, which shall be appointed by the President-elect as soon as practicable after each annual meeting. The President may, subject to the pleasure of the Board, appoint such other or further committees as the work of the Board may, from time to time, demand.

All the committees shall report at each stated meeting of the Board, or oftener when necessary, upon the matters coming under their jurisdiction or specially referred to them.

1. *On Publication.*

This Committee shall consist of five Commissioners, and shall have supervision of the preparation of the annual report of the Board.

2. On Finance.

This Committee shall consist of the President and two Commissioners, and shall have charge of the finances of the Board, and shall audit such bills in the intervals of the meetings of the Board as the Board may direct.

3. On Inspection of Charities.

This Committee shall consist of three Commissioners, and shall have supervision of the Bureau of Inspection of Charities.

4. On State and Alien Poor.

This Committee shall consist of three Commissioners, and shall have supervision of the Bureau of State and Alien Poor.

XV. ON THE DECLARATION OF THE OPINION AND POLICY OF THE BOARD.

The opinion and policy of the Board can be declared only by resolution adopted at a meeting regularly convened, and when so declared shall furnish a rule of official action to Commissioners and officers.

XVI. ON THE METHODS OF CHANGING THE BY-LAWS.

No alteration, addition or amendment to these By-Laws shall be made, unless upon notice at one meeting of intention to propose the same at the next stated or special meeting of the Board and upon a majority vote of all Commissioners at such next stated or special meeting.

RULES FOR THE RECEPTION AND RETENTION OF INMATES OF INSTITUTIONS.

[As amended January 10, 1906.]

I. RECEPTION OF INMATES.

The following classes of persons, and no others, may be received as public charges into charitable, eleemosynary, correctional, and reformatory institutions, wholly or partly under private control, authorized by law to receive payments from any county, city, town or village for the support, care or maintenance of inmates:

1. Children under the age of sixteen years, who have been convicted of crime and committed to such institution.

2. Persons who have been committed to such institutions by any court or magistrate having jurisdiction.

3. Persons who, pursuant to the provisions of existing laws, have been received or are retained in any such institution by the written order or permit of the superintendent of the poor of a county, or overseer of the poor of a town, or commissioner or commissioners of charities or other local officer or board legally exercising the powers of an overseer of the poor in the county, city, town or village sought to be charged with the support of such persons.

4. Persons who have been received into such institutions as, under special or existing laws or appropriations, are entitled to receive payments of money in gross sum or for specific purposes, from any county, city, town or village. No child between the ages of two and sixteen, unless convicted of a crime, shall be received into any such institution as a public charge, unless committed thereto, or placed therein, by a court or magistrate having jurisdiction, or by the superintendent of the poor of a county, or overseer of the poor of a town, or commissioner or commissioners of charities, or other local officer or board legally exercising the powers of an overseer in the county, city, town or village sought to be charged with the support of such child, and authorized by law to commit children to such institutions or to place them therein.

II. RETENTION OF INMATES.

1. No child under the age of sixteen years, unless convicted of crime, nor any destitute minor nor adult person, whether committed by any court or magistrate, or otherwise received, shall be retained in any such institution, *as a public charge*, unless accepted in writing as such by the officer charged with the support and relief of the poor of the county, city, town or village upon which such child or destitute minor or adult person is sought to be made a public charge, subject to such regulations as the Board may from time to time prescribe, *and all acceptances so made shall lapse and become void unless renewed in writing within thirty days of the expiration of one year from the time*

of the first acceptance; said year to date from the period of said acceptance. The reacceptance in writing shall be repeated each year that the inmate remains in the institution and within thirty days of the expiration of each successive year. Every such acceptance or renewal of acceptance, shall be based upon the results of an investigation into the circumstances of the person accepted, and into the circumstances of his parents, relatives or guardians, if there be any. No destitute child shall be retained as a public charge in any institution wholly or partly under private control, which shall fail to keep a book in which shall be entered the name and address of every person visiting such child, supported in whole, or in part, by public funds in such institution, which name and address shall be secured upon such visit.

2. *Children.*—No *minor* who is an inmate of any such institution, other than a person under the age of sixteen who has been convicted of crime and duly committed, may be retained *at public expense* in any such institution, if the State Board of Charities, or a committee thereof, shall have notified such institution in writing, that in the judgment of the Board, or of a committee of the Board, it is for the interest of such minor that he or she should be returned to his or her parents or guardians, or placed out in a family by adoption or indenture or other agreement, except that such minor may be retained at public expense, for a period not exceeding two months after the service of the notice to the institution, at its request, for the purpose of enabling it to place out such child.

3. In no case shall any *child*, supported in whole or in part *at public expense*, in any such institution, be *transferred* to any other institution except upon the written approval of the commissioner of the district or county in or from which the transfer is proposed, or in case of his absence any other commissioner of the Board.

4. No *minor* shall remain as an inmate of any such institution which has not furnished evidence of having complied with the provisions of sections 213, 214 and 215 of article XII, of chapter 25 of the general laws, called the Public Health Law.

5. *Destitute and other adults.*—No *adult inmate* of any such institution, who has been placed or permitted to remain therein by a proper officer, shall be retained therein *at public expense*, after

a date fixed by a commissioner, resident in the district in which the institution is situated, and of which the proper authorities or superintendent or officer in charge thereof has been notified in writing.

6. No payment shall be made by any county, city, town or village to any charitable, eleemosynary, correctional or reformatory institution wholly or partly under private control, for care, support or maintenance, which shall fail within a reasonable time after notice to comply:

First. With any law affecting the health of the inhabitants of said county, city, town or village,

Second. With any rules or regulation of the local board of health passed pursuant to law,

Third. With any law regulating the erection of the buildings of said institutions, or

Fourth. With any law, or rules or regulation made pursuant to such law, enacted to protect the inmates thereof from fire, or requiring the erection of fire-escapes or additional means of egress.

7. The inmates of all charitable, correctional or reformatory institutions, wholly or partly under private control, who are retained therein as a charge upon any county, city, town or village, shall be humanely and suitably provided with food, lodging and clothing and whatever further may be necessary for their safety, reasonable comfort and well being.

8. Children of school age retained in any such institution as a charge upon any county, city, town or village, shall receive regular and suitable instruction in at least the common school branches of reading, spelling, writing, arithmetic, English grammar and geography.

9. No child between the ages of two and sixteen years, committed because of the destitution of his or her parents or guardians, shall be received as a public charge in any such institution, which also receives and cares for destitute adults unless there is complete and continuous separation of such adults from such children. Nor shall any child under the age of sixteen years, committed because of the destitution of his or her parents or guardians, be retained as a public charge in any such institution which receives persons committed for crime, unless it is author-

ized by its charter, or by general statute, to receive both of such classes and unless their complete and continuous separation is at all times maintained.

10. The commissioners, officers, inspectors and other representatives of the State Board of Charities shall at all reasonable times be allowed to examine such children with relation to their scholastic training, and also with respect to their fitness for placing in family homes, or with relation to any other matter pertaining to their care, comfort and general welfare, as may be directed by the board by resolution duly adopted and entered on its minutes.

III. REPORTS OF INSTITUTIONS.

1. *Annual Reports.*

Each and every charitable, eleemosynary, correctional and reformatory institution, wholly or partly under private control, whether incorporated or not incorporated, subject to the visitation and inspection of the State Board of Charities, pursuant to article VII, section 11 of the Constitution, shall, on or before the first day of November in each and every year, prepare and file with the Board, at its office in the Capitol at Albany, a report of the condition of the institution and its operations, for the preceding fiscal year ending September 30th, upon forms prescribed and furnished for the purpose, to wit:

First. The estimated value of the real and personal property of the institution and its assets and liabilities October 1st.

Second. The total amount and sources of the receipts of the institution and its total and classified expenditures for the fiscal year ending September 30th.

Third. The whole number of persons supported in the institution, and the changes in the population during the fiscal year ending September 30th, and the number and sex of those in its custody and care October 1st, with such other particulars as may, from time to time, be required by the Board.

2. *Reports of Institutions Having the Custody, Care and Training of Orphan, Destitute, Delinquent and Defective Children.*

Every charitable, eleemosynary, correctional or reformatory institution, wholly or partly under private control, having the custody, treatment, care and training of orphan, destitute, delinquent or defective children, excepting deaf and blind pupils, shall,

on or before the 10th day of October, 1895, file with the Board, at its office in the Capitol at Albany, the name and sex of each and every child, inmate of such institution January 1, 1895, and the name and sex of each and every child who may have been received in such institution from January 1 to September 30, 1895, inclusive, on a separate blank to be prescribed and furnished by the Board for the purpose, including the following particulars in respect to each, viz.: Date of reception; age; color; birthplace; whether orphan, half-orphan, or both parents living; physical and mental condition; birthplace of parents; authority under which received; county, city, village or town upon which a charge; amount received from parent, relative or guardian, or other private source, or whether supported wholly by the institution; per capita amount received from public sources; authority under which payments are made; and, in the case of delinquents, the offense or crime for which committed; and, each and every such institution shall, on or before November 10, 1895, and on or before the tenth of each month thereafter, file at the office of the Board, as aforesaid, the name and sex of each and every child, with the particulars above enumerated, in relation thereto, who may have been received in such institution during the preceding month; and such institution shall give prompt notice to the Board, upon blanks furnished therefor, of any and all discharges, removals, escapes, transfers or deaths occurring in the institution during the month.

IV. ACCOUNTS OF INSTITUTIONS.

Each and every charitable, eleemosynary, reformatory and correctional institution, wholly or partly under private control, shall keep proper books of account which shall set forth all receipts and expenditures with the vouchers therefor, and be open for the inspection of the State Board of Charities, its commissioners, officers, inspectors and agents.

RULES AND REGULATIONS FOR THE RECEPTION AND MAINTENANCE OF INDIAN POOR PERSONS.

APPLICATIONS FOR RELIEF.

1. Whenever any Indian residing within this State shall be unable to maintain himself, he shall make application for relief

or maintenance at public expense, to the superintendent of the poor of the county wherein he resides or to some other officer charged with the support and relief of the poor in the said county.

COMMITMENT TO ALMSHOUSE.

2. Upon application being made to a poor law officer by any Indian for relief as a poor person, such officer shall make investigation into the ability of such Indian to maintain himself, and, if satisfied that such Indian is a poor person as defined by chapter 225 of the Laws of 1896, he shall by warrant cause such Indian to be conveyed to the almshouse of the county for maintenance therein.

TRANSMISSION OF PROCEEDINGS AND TESTIMONY.

3. Every county superintendent of the poor, or other officer charged with the support and relief of the poor, who shall commit any Indian poor person to an almshouse to be maintained at the expense of the State, within three days after such commitment shall transmit to the State Board of Charities all the testimony taken in the investigation into the ability of such Indian to maintain himself, and all other facts relating to such Indian poor person, together with a verified statement of the expenses incurred in making the removal to the almshouse.

4. The proceedings and testimony in cases of relief outside of an almshouse shall be forwarded to the Department of State and Alien Poor, as in the case of an Indian poor person committed to an almshouse.

RELIEF OUTSIDE OF AN ALMSHOUSE.

5. Whenever an Indian poor person makes application for relief in accordance with Rule No. 1, and shall be found by the county superintendent of the poor or other officer charged with the relief and maintenance of the poor to be in such physical condition as to make it improper to remove him to the almshouse, the county superintendent of the poor shall provide for the care and support of such Indian poor person without removing him to the almshouse, and the necessary expenses incurred in such care and support, which should not exceed two dollars per week unless otherwise allowed in writing by the Superintendent of State and Alien Poor, shall be certified to the Department of State and Alien Poor.

OVERSEERS TO NOTIFY COUNTY SUPERINTENDENT.

6. Overseers of the poor or other officers charged with the maintenance and relief of poor persons, to whom an Indian poor person shall apply for relief, and who shall find that such Indian poor person is in such condition as to make it improper to remove him to the almshouse, shall immediately notify the superintendent of the poor of the county of the condition of such Indian poor person, and thereupon the county superintendent of the poor shall make provision for the care and support of such Indian poor person.

APPROVAL BY SUPERINTENDENT OF STATE AND ALIEN POOR.

7. Upon receipt of the testimony and the statement of expenses incurred, the Superintendent of State and Alien Poor shall satisfy himself that such removal or other relief was proper, and that the Indian is a poor person within the meaning of section 101 of chapter 225 of the Laws of 1896. If he shall find that the maintenance of such Indian in the almshouse, or otherwise as the case may be, is a proper charge upon the State, and the expenses of removal, if any, were actually and necessarily incurred, he shall approve the costs of such removal or relief, and certify the same to the Secretary of the State Board of Charities.

BILLS TO BE RENDERED QUARTERLY.

8. All bills for the support, treatment and care of Indian poor persons, whether supported in almshouses or maintained elsewhere, shall be sent to the Department of State and Alien Poor of the State Board of Charities at the Capitol at Albany, on the last days of December, March, June and September in each year.

BILLS TO CONFORM TO RULES.

9. Such bill shall give the names of all Indians supported as Indian poor persons, the places wherein supported, and the time during which each one shall have been maintained; and no bill incurred otherwise than in conformity with these rules and regulations shall be approved by the Superintendent of State and Alien Poor.

CONTRACTS.

10. The State Board of Charities shall from time to time on behalf of the State, contract with the proper officers of the county

within which Indians who are poor persons reside, on such terms and for such times as may be proper, for the reception and support in the almshouse of such counties of such Indian poor persons as may be committed thereto. Every such contract shall be in writing, and be filed in the office of the State Board of Charities.

RECORD IN ALMSHOUSE.

11. The keeper or other officer in charge of an almshouse to which Indian poor persons shall be committed shall enter the names of such Indians upon the almshouse register, together with such particulars as are required in the case of other poor persons.

NOTICE OF ADMISSION.

12. Such keeper or officer shall transmit by mail, to the Superintendent of State and Alien Poor, the name of any Indian poor person committed to the almshouse of which he has charge, together with the particulars required by Rule No. 11, immediately upon the admission of such Indian poor person.

OTHER NOTICES.

13. Such keeper or officer in charge of the almshouse shall in like manner transmit to the Superintendent of State and Alien Poor, notice of the death, discharge or absconding of any Indian poor person in his charge, whenever such death, discharge or absconding shall take place.

DISCHARGE.

14. Whenever any Indian poor person maintained in an almshouse or otherwise, in accordance with these rules and regulations, shall be able to undertake his own support and maintenance, he shall be discharged upon order of the Superintendent of State and Alien Poor or of the county superintendent of the poor in the county within which he resides.

BURIALS.

15. No expenses for burials shall be incurred other than the cost of a plain coffin and that not to exceed \$15.00, unless the

approval of the Superintendent of State and Alien Poor shall have been first secured.

NON-COMPLIANCE WITH RULES.

16. Indians not committed to an almshouse or otherwise provided for in accordance with these rules and regulations, shall not be accepted by the Superintendent of State and Alien Poor as a charge upon the State.

INDIANS SUFFERING WITH CONTAGIOUS DISEASES.

17. In all cases of contagious or infectious diseases among Indians, which under the Public Health Law are required to be quarantined by the local boards of health, the expenses incurred through such quarantine cannot be made a charge against the State Board of Charities but must be provided for in accordance with the provisions of section 24 of the Public Health Law.

RULES TO BE OBSERVED BY THOSE SUBMITTING PLANS FOR BUILDINGS AND ADDITIONS THERETO.

1. All plans for the building of almshouses or other institutions, or of structures connected therewith or additions thereto or of modifications of such buildings or structures, requiring the Board's approval, must be submitted to the Board with the specifications relating thereto, *both in duplicate* before being referred to the Committee on Construction of Buildings.

2. Such plans and specifications must in every case be accompanied by a statement specifying the building or buildings to be erected in accordance therewith, the location or locations of such building or buildings and the work otherwise covered by the plans and specifications, naming the amount or amounts appropriated for such construction, certifying that said plans and specifications have been officially approved by the responsible authorities presenting them for the Board's approval, together with a specific request for such approval by the Board.

3. One of such plans, and one of a duplicate modification of such plans, if such shall be made and approved, shall be filed among the archives of the Board.

4. No changes or modifications shall be permitted in such plans without the approval of the Board and the filing of such modified plans in the archives of the Board.

5. The Board may at any time appoint an inspector to examine the work of construction to see that the plans as approved by the Board are adhered to.

RULES OF THE STATE BOARD OF CHARITIES FOR GRANTING A LICENSE TO INSTITUTIONS DEVOTED TO THE SOLE PURPOSE OF KEEPING AND CARING FOR AGED, DECREPIT AND FEEBLE-MINDED PERSONS, WHO ARE NOT PROPER SUBJECTS FOR CARE AND TREATMENT IN A HOSPITAL FOR THE INSANE, UNDER THE LAWS OF THE STATE OF NEW YORK, KNOWN AS CHAPTER 914 OF THE LAWS OF 1896, ENTITLED "AN ACT TO PROVIDE FOR THE CARE OF AGED, DECREPIT AND MENTALLY ENFEEBLED PERSONS WHO ARE NOT INSANE."

Rule 1. Every applicant for a license shall file in the office of this Board accurately-drawn plans of every part of the building or buildings to be employed for a home, retreat or asylum, together with the following verified statements in writing:

A. A succinct description of the building or buildings and of the location and surroundings of the institution and of the conditions or accommodations provided for the safe and humane maintenance of the patients.

B. The number and names of the officers, attendants and employes, with a statement of their respective duties and their individual qualifications, morally, physically and by education or experience, for their several positions.

C. The financial resources of the institution, aside from its income derived from patients, and the scale of weekly charges for patients.

Rule 2. No license shall be granted until the Commissioner of the district, or, in case of his absence, of an adjoining district, has personally inspected the grounds, buildings and appurtenances of the proposed institution, and reported in writing that in his opinion, it possesses the necessary equipment in officers and attendants, together with suitable domestic accommodations

in all other respects for the safe and humane maintenance of such patients, and the number which can be properly provided for at any one time.

RULES OF THE STATE BOARD OF CHARITIES GOVERNING THE MANAGEMENT OF HOMES, RETREATS AND ASYLUMS FOR THE CARE AND MAINTENANCE OF AGED, DECREPIT AND MENTALLY ENFEEBLED PERSONS WHO ARE NOT INSANE.

1. Such institution shall be devoted to the sole purpose of keeping and caring for such persons.

2. The superintendent thereof shall transmit to the office of this Board, within three days after the reception of a patient, a certified copy of the application of said patient, or his or her relative, friend or guardian, as the case may be, together with copies of the affidavits of the physicians supporting said application.

3. Whenever any patient by him or his friends or legal guardians shall make application to the State Board of Charities to be discharged from such home, retreat or asylum, the superintendent thereof shall forthwith forward such application to the office of this Board, together with such recommendations in regard to the further care of the patient as he may deem useful and necessary.

4. Said institution shall have, in regular attendance upon its patients, a reputable physician, resident of the vicinity, duly qualified by law to practice his profession in this State, and whose appointment is approved by the State Board of Charities.

5. No form of *injury to the person*, or deprivation of the necessities of life shall be allowed in such institution for the purpose of punishment or discipline.

6. All the provisions of the laws of the State relative to the sanitary care of public institutions and the preservation and promotion of the health of the inmates shall be rigidly complied with.

7. Said institution shall make to this Board the quarterly reports required of hospitals and the annual reports required of all charitable institutions.

8. The forms of application for the admission of all patients to such institutions shall be such as are prescribed by the State Board of Charities.

9. Whenever any patient in such institution shall become so violent in conduct as to become uncontrollable without the aid of mechanical restraint or permanent seclusion, it shall be the duty of the superintendent thereof to notify forthwith the State Board of Charities of the condition of such patient by means of a certificate signed by him and the resident physician, and pending the action of said Board upon such notice, it shall not be lawful to discharge or transfer said patient to any other custody.

RULES AND REGULATIONS IN ACCORDANCE WITH WHICH DISPENSARIES SHALL FURNISH MEDICAL OR SURGICAL RELIEF, ADVICE OR TREATMENT, MEDICINE OR APPARATUS; ADOPTED OCTOBER 11, 1899, PURSUANT TO THE PROVISIONS OF CHAPTER 368, LAWS OF 1899, AS AMENDED OCTOBER 10, 1900.

I. POSTING A PUBLIC NOTICE.

There shall be posted and permanently maintained in a conspicuous place in the reception room for applicants a notice as follows:

This dispensary has been licensed under the laws of the State of New York by the State Board of Charities, to furnish medical or surgical relief, advice or treatment, medicine or apparatus to the sick poor who are unable to pay for the same. The law provides as follows:

(Section 25, chapter 368, Laws of 1899.)

"Any person who obtains medical or surgical treatment on false representations from any dispensary licensed under the provision of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars and not more than two hundred and fifty dollars."

(Imprisonment until fine be paid may be imposed. Code Crim. Pro., § 718.)

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II. THE REGISTRAR.

(As amended October 10, 1900.)

There shall be an officer to be known as "The Registrar," whose duties shall be to supervise the work of the dispensary, and either personally, or by a competent deputy selected by him for that purpose, to make and preserve all records, receive all applicants, and see that all rules and regulations are enforced.

III. THE ADMISSION OF APPLICANTS.

(As amended October 10, 1900.)

1. It shall be the duty of the registrar to examine all applicants to determine the question of their admission, and the following rules shall guide his actions: (a) All emergency cases shall be admitted and receive prompt treatment and care. (b) Every applicant who is, in the opinion of the registrar, after examination and personal inquiry, poor and needy, shall be admitted. (c) Every applicant, either personally or by the parent or guardian of such applicant, in regard to whose ability to pay for medical or surgical relief, advice or treatment, medicine or apparatus, or either, in whole or in part, the registrar is in doubt, shall be admitted to a first treatment on signing a card containing the "representation" or statement of the applicant, but the registrar shall forthwith cause an investigation of his or her ability to pay either personally, or by parent or guardian; the results of such investigation shall be filed among the permanent records of the dispensary. Any such applicant who declines to sign the required "representation" or statement shall be refused admission.

2. Such "representation" or statement shall be in the following form:

Card of Admission on "Representation" or Statement of Patient.

Name.....	Date.....
Dr.....	No. in family
Nationality.....	Address.....
Occupation, Man	Woman.....
Income.....	Rent.....
This is my application to this Dispensary in the year	
I have been an applicant to no other Dispensary in the year	
(or to the following Dispensaries:	
.....)	
The foregoing statement is in all respects true.	
Signature of applicant.	
Admitted	Refused

3. The registrar shall issue to every applicant who is admitted for treatment a pass card, on one side of which shall be printed the usual information in regard to attendance upon the class to which he or she is assigned, and on the other side the card shall be in the following form:

Penalty for False Representations.

Section 25, Chapter 368, Laws of 1899.

"Any person who obtains medical or surgical treatment on false representations from any dispensary licensed under the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars and not more than two hundred and fifty dollars."

(Imprisonment until fine be paid may be imposed. Code Crim. Pro., § 718.)

IV. THE MATRON.

There shall be a matron whose duty it shall be, under the direction of the registrar, to preserve cleanliness and good order in all parts of the dispensary, and be present during gynaecological examinations and operations; no such examination shall be made of, or operation performed on, any female patient except in the presence of the matron or of a woman detailed for such duty.

V. CONTAGIOUS DISEASES EXCLUDED.

The following contagious diseases shall not be treated in any dispensary not devoted to the treatment of contagious diseases, viz.: smallpox, scarlet fever, measles, diphtheria. When a person suffering from any one of these diseases shall apply for treatment to any dispensary, the registrar shall take immediate measures to prevent the exposure of other persons in the dispensary, and shall forthwith report the case to the proper health authority.

VI. INSTRUCTIONS IN DISPENSARIES.

Managers may make needful rules and regulations for clinical, secular and religious instruction in their respective dispensaries, but in no instance shall any applicant be required to attend such instruction as a condition on which he or she may receive medical or surgical relief at the dispensary. No applicant shall be

required to submit to an examination, oral or physical, for other purposes than his or her proper medical or surgical treatment without his or her full and free consent; in the case of an infant, the consent of the father, mother or guardians must be obtained for the purpose above mentioned.

VII. THE APOTHECARY.

The apothecary must be licensed under the laws of this State or be a graduate of a regularly incorporated medical college. If employed in public service the apothecary must be appointed under Civil Service rules.

VIII. SANITARY INSPECTIONS.

(As amended October 10, 1900.)

The managers of dispensaries shall comply with the ordinances and orders of the local Board of Health, and shall annually make a minute showing compliance therewith, upon their official records on or before September 30th in each and every year.

IX. ARRANGEMENTS AND EQUIPMENT.

Each dispensary shall provide: 1. Seats for all applicants. 2. Arrangements for the separation of the sexes in both waiting and treatment rooms, except in cases of family groups or of infants. 3. Such equipment in the matter of rooms and supplies as will secure the best results of treatment.

RULES FOR DISTRICT COMMITTEES.

Adopted May 11, 1899.

For administration purposes the State shall be divided into two inspection districts, to be known as the Eastern District and the Western District. The Eastern District shall embrace the first, second, third and fourth judicial districts of the State. The Western District shall embrace the fifth, sixth, seventh and eighth judicial districts of the State.

The Committee in the Eastern District shall consist of the members of the Board resident therein. The work in the East-

ern District may be carried on by a sub-committee of three of its members, to be appointed by the President.

The Committee in the Western District shall consist of the members of the Board resident therein. The work in the Western District may be carried on by a sub-committee of two of its members, to be appointed by the President. The President shall designate the Chairman of the said Committees.

With the exception of the months of July and August, each of the Committees shall hold meetings at their respective district offices at least once a month, as the Committee may decide. Three members shall constitute a quorum in the Eastern District and two in the Western District. Special meetings may be called by the Chairman as often as he may deem the same necessary. The District Committees may, when in their judgment the work of inspection requires it, hold joint meetings.

The Committees may in their respective districts designate from time to time one of their members to supervise and direct the daily conduct of the work of the District.

The district offices shall be open for business from 9 A. M. to 5 P. M. on every week day, not a legal holiday, except on Saturdays, when they shall be open from 9 A. M. to 12 M.

In each district there shall be a Superintendent, to be appointed by the Board upon the nomination of the District Committee, who shall be subject to the said Committees, and shall have the immediate direction of the Inspectors in the said districts.

It shall be the duty of the Superintendent to see that the instructions of the District Committees are duly carried out and that the details of business of their offices receive prompt and suitable attention. The district offices shall be in their charge and they shall act as Secretary of their respective District Committees and keep a record of the Committee's proceedings.

They shall have the custody of the records of their respective offices and be responsible for the safe preservation of all papers, books, letters and documents.

In each district there shall be such number of inspectors and other employes as the Board may see proper to employ.

The inspectors may, as far as practicable, be classified as "auditing inspectors," "sanitary inspectors" and "general

inspectors." The duties of the "auditing inspectors" may be specially directed to examination of the accounts, records and other matters relative to the financial affairs of institutions. The duties of "sanitary inspectors" may be specially directed to inspection of conditions affecting the sanitary status of institutions. The duties of "general inspectors" may be considered as connected with conditions not belonging specially to the departments of auditing and sanitary inspectors. All inspectors and other employes of the District shall perform such duties as may from time to time be designated by the District Committees.

The joint committee of the Eastern and the Western Districts may temporarily transfer inspectors from the Eastern to the Western District and *vice versa*. The reasons of such transfers shall be entered in the minutes of both of the District Committees.

The hours of duty of the said Superintendents, Inspectors and other employes shall be from 9 A. M. to 5 P. M., with an hour's intermission for lunch, every week day, not a legal holiday, except on Saturdays, when the hours will be from 9 A. M. to 12 M.

Inspectors shall make full and complete records in such form as shall be prescribed by the Board or the District Committees of all visits, inspections and examinations, and shall file the same in the office of the proper inspection district.

If, in the opinion of either Committee, it appears that any institution is not complying with the rules adopted pursuant to Article VIII., Section 14 of the Constitution, said Committee shall promptly bring the matter to the attention of the Board in order that the proper financial officer of the county, city, town or village affected thereby may be duly notified.

On or about the 20th of each month, each District Committee shall send requisitions to the Secretary for such postage stamps, stationery and other supplies as may be required in the performance of their duties.

As soon after the first of each month as practicable, the said Committees shall send to the Secretary of the Board a full report of the inspection work of the district, during the month preceding, together with a separate account of the salary and disbursements of each employe of the District, certified by the Chairman of said respective Committees.

MANUAL FOR THE GUIDANCE OF THE INSPECTORS OF THE STATE BOARD OF CHARITIES.

THE OFFICE OF INSPECTOR.

An inspector of the State Board of Charities is a State officer appointed by that Board under the State Civil Service Rules. The statute confers important powers and requires of him the performance of certain duties in the visitation and inspection of institutions of a charitable, eleemosynary, reformatory or correctional character or design. These powers and duties are contained in the "State Charities Law" (chapter 546, Laws of 1896). With a view to familiarize inspectors with their statutory obligations and the instructions of the State Board of Charities in relation thereto, the provisions of law relating to their powers and duties have been collated in this manual, and such explanations, instructions and regulations have been added as were deemed necessary for their information and guidance.

I. PROVISIONS OF LAW RELATING TO THE POWERS AND DUTIES OF INSPECTORS.

1. *Institutions subject to inspection.*

Section 10. All institutions of a charitable, eleemosynary, reformatory or correctional character or design, including reformatories (except those now under the supervision and subject to the inspection of the prison commission), but including all reformatories, except those in which adult males convicted of felony, shall be confined, asylums and institutions for idiots and epileptics, almshouses, orphan asylums, and all asylums, hospitals and institutions, whether state, county, municipal, incorporated or not incorporated, private or otherwise, except institutions for the custody, care and treatment of the insane, are subject to the visitation, inspection and supervision of the State Board of Charities, its members, officers and inspectors.

The Court of Appeals has defined the meaning of the words "charitable institution," as used in the Constitution and the State Charities Law, as follows:

"A charitable institution, within the meaning of sections 11 to 14 of article VIII of the Constitution, chapter 771 of the Laws

of 1895, and chapter 546 of the Laws of 1896, giving to the State Board of Charities the right of visitation with respect to all charitable institutions, is one that in some form or to some extent receives public money for the support and maintenance of indigent persons, and by public money is meant money raised by taxation, not only in the State at large, but in any city, county or town."

The important facts which should be noticed by inspectors are as follows:

1. Certain classes of institutions are excepted from inspection by the State Board of Charities, because they are not in receipt of public money, or are under the jurisdiction of other State authorities.

2. The language of the statute makes all institutions, with the exceptions given, subject to inspection, which in *character* or *design* are charitable, eleemosynary, reformatory or correctional. Managers and officers may object to an inspection, alleging that the institution is not a charity in character or design. It is important, therefore, that inspectors should inform themselves as accurately as possible, before visiting an institution with which they are unacquainted, as to its character and the objects which it was designed to accomplish, and whether or not the institution is in receipt of public money. This information may be obtained by examining the articles of incorporation and the annual reports.

3. Objection may be made to an inspection because the institution belongs to a county or city, or because it is unincorporated or is private, but the statute is very explicit in this respect, and includes all that come under the general definition, whatever may be the nature of their origin, their location or their control.

For decisions on this subject see

Court of Appeals, April, 1897: *The People ex rel. Inebriate Home vs. Comptroller*, 152 N. Y. 399.

Court of Appeals, April, 1897: *The People ex rel. N. Y. Institution for the Blind vs. Fitch*, 154 N. Y. 14.

Court of Appeals, January, 1900: *The People ex rel. State Board of Charities vs. The New York Society for the Prevention of*

Cruelty to Children, 161 N. Y. 233 and Court of Appeals, April, 1900, 162 N. Y. 429.

Court of Appeals, February, 1901: *Fox vs. Mohawk and Hudson River Humane Society*, 165 N. Y. 517.

2. *Inspections may be made at any and all times.*

Section 10, continued: Such institutions may be visited and inspected by such Board, or any member, officer or inspector duly appointed by it for that purpose, at any and all times.

No examination of an institution can be made for the purpose of obtaining all of the information which the law requires when the inspector is limited as to the time of his inspection by any rules or regulations of the managers or officials. The everyday working condition of all parts of an institution can most satisfactorily be determined only by the casual and unexpected visits of the inspector. For example, unannounced visits must be made at meal times to learn the kind, quality and quantity of foods ordinarily served, and visits to the dormitories at night is the only method of deciding as to their ventilation.

3. *Powers of inspectors during an inspection.*

Section 10, continued: Any member or officer of such Board, or inspector duly appointed by it, shall have full access to the grounds, buildings, books and papers relating to any such institution, and may require from the officers and persons in charge thereof, any information he may deem necessary in the discharge of his duties.

The statutory powers of inspectors during an inspection enable them to obtain full and accurate knowledge of the entire premises and of every feature of the institution and its management. They have the right to see personally every part of the buildings and premises, every inmate, all of the books, records and papers, and finally they may require any additional information deemed necessary for the proper discharge of their duties. In exercising these powers, inspectors should be courteous and considerate towards officers of institutions, and whenever refused unlawfully they should use no force nor mandatory language, but discontinue the inspection and withdraw and report the facts to the Board for its action.

4. *Relation of officers, superintendents and employes of institutions to inspectors of the Board.*

Section 10, continued: Any officer, superintendent or employe of any such institution, society or association who shall unlawfully refuse to admit any member, officer or inspector of the Board, for the purpose of visitation and inspection, or who shall refuse or neglect to furnish the information required by the Board or any of its members, officers or inspectors, shall be guilty of a misdemeanor, and subject to a fine of one hundred dollars for each such refusal or neglect. The right and powers hereby conferred may be enforced by an order of the supreme court after notice and hearing, or by indictment by the grand jury of the county or both.

This clause of the section establishes the character of the offense committed by an officer, superintendent or employe of an institution, society or association who unlawfully refuses to admit an inspector for the purpose of inspection, or refuses or neglects to furnish information required. It also prescribes the method of enforcing the rights and powers of the inspector.

5. *Inspectors confidential agents of the Board.*

Section 10, continued: No such officer or inspector shall divulge or communicate to any person without the knowledge and consent of said Board any facts or information obtained pursuant to the provisions of this act; on proof of such divulgement or communication such officer or inspector may at once be removed from office.

The necessity of this restriction upon inspectors grows out of the extraordinary powers of inquiry into the affairs of institutions given them by law in making inspections. Inspectors are peculiarly exposed to the temptation of giving information in regard to facts obtained in the performance of their duties. Officers of institutions are very liable to make inquiries of them as to the condition and management of other institutions of the same class. While much of the information thus sought might be given, not only without detriment, but even with benefit, the occasional scandals that might result render the legal restriction eminently wise and conservative.

No record, document or paper containing information considered confidential regarding the history and personality of any

inmate, and sealed or kept under lock and key, by resolution duly adopted by the board of managers of any institution, shall be examined by any inspector, except by direction of the State Board of Charities.

II. PROVISIONS OF LAW RELATING TO THE SUBJECTS OF INQUIRY DURING INSPECTION.

Section 11. This section provides that "on such visits, inquiry shall be made to ascertain" the following information:

1. *Whether all parts of the State are equally benefited by the institution requiring State aid.*

To obtain this information the inspector must first learn from the act creating the institution the precise terms on which it is required to receive inmates from the several counties of the State or of the district to which its operations are confined. Then a census of the inmates must be taken and the residence of each noted. Finally, the population of each county entitled to representation in the institution must be taken as the basis of calculation as to the proper ratio of inmates from each county in the institution.

2. *The merits of any and all requests on the part of any such institution for State aid, for any purpose other than the usual expenses thereof, and the amount required to accomplish the object desired.*

Inquiries required by this section are to be made only when the managers of institutions make requests for State aid for some specific purpose. They are not subjects of inquiry, therefore, on every inspection, and should receive the attention of the inspector only when directed by the State Board of Charities.

3. *The sources of public moneys received for the benefit of such institution, as to the proper and economical expenditure of such moneys and the condition of the finances generally.*

The sources of public moneys received for the benefit of an institution, and the condition of the finances generally, are subjects for special inquiry under the direction of the Board; but inquiries as to the expenditure of moneys ought to be constantly

in the mind of the inspector during his inspections, and accurate notes should be made whenever he discovers evidences of improper and uneconomical uses of the funds of an institution. Improper expenditures are more likely to be found in the purchase of luxuries, as in furniture, foods, implements, horses, carriages and in other directions. The lack of economy is found in the prices paid for the great variety of articles purchased, the cost of the erection and repair of buildings.

4. *Whether the objects of the institution are being accomplished.*

The inquiries required by this provision should be taken in their larger sense. The unit in every charitable institution is the individual inmate. For his welfare alone it was established and now exists. To relieve or mitigate the special disabilities which make him an object of charity, every matter or thing connected with the institution, whether lands, buildings, furniture, officers, management, should contribute to their fullest capacity. The inspector must, therefore, in all the details of inspections, have in mind the ultimate objects of the institution and endeavor to determine how far they are accomplished by the existing conditions.

5. *Whether the laws and the rules and regulations of this Board, in relation to it, are fully complied with.*

To make the inquiries under this head, the inspector should first make himself thoroughly familiar with the laws and the rules and regulations of this Board in relation to the institution about to be inspected. The laws relating to it will be found in the State Charities Law, and other statutes, and in the act of incorporation, and the amendments thereto. The rules of the Board will be found in its manual or in other form at the central office. Inquiry should be made as to whether a copy of the Board's manual is in the hands of the managers. Three classes of institutions are now operating under the rules of the Board, namely: 1. Institutions wholly or partly under private control, authorized by law to receive payments from any county, city, town or village for the support, care or maintenance of inmates. (*Chap. 546, Laws of 1896.*) 2. Homes, retreats and asylums for the care and maintenance of aged, decrepit and mentally en-

feebled persons who are not insane. (*Chap. 914, Laws of 1896.*)

3. Dispensaries. (*Chap. 368, Laws of 1899, as amending Chap. 546 of the Laws of 1896.*)

6. *Its methods of industrial, educational and moral training, if any, and whether the same are best adapted to the needs of its inmates.*

The methods of industrial, educational and moral training in practice in an institution can be learned by inquiry and observation, but it requires large experience and good judgment to determine whether they are best adapted to the needs of its inmates. Inspectors should make very accurate notes of the method of training in each of these branches, and report the facts, with such observations as they may have made as to the effects upon the inmates.

7. *The methods of government and discipline of its inmates.*

It is difficult to determine definitely the government and discipline of an institution, as in obtaining information the inspector is limited to inquiry, for by his observation he can determine only the most superficial facts. His inquiries must not be limited to officers and attendants, but must include such inmates as, in his opinion, will make truthful statements. Inquiries of inmates should be very judiciously made, in order not to prejudice them against attendants. In general, they should be examined singly and in private, that they may not be actuated by fear.

8. *The qualifications and general conduct of its officers and employees.*

The opinion of the inspector in regard to the qualifications and general conduct of officers and employees must be formed chiefly by observation and intercourse with them. In his examination of the different departments of an institution he should carefully discriminate as to the officer or employe who is personally responsible for the conditions found, and thus he can very accurately determine his qualifications and general conduct. In his intercourse with officers and employes, the inspector can form

a very accurate judgment as to their fitness for their position by the discussion of topics relating to their duties.

9. *The condition of its grounds, buildings and other property.*

This information is obtained only by personal inspection. It is very important that these inspections be made in a methodical manner, in order that nothing shall escape thorough examination. Each matter or thing undergoing inspection should be exhaustively examined before another is undertaken.

10. *Any other matter connected with or pertaining to its usefulness and good management.*

During an inspection many incidents will occur and many observations will be made bearing on the usefulness of the institution and its management. Ample notes and full reports should be made of everything that in any manner comes to the knowledge of the inspector illustrating its condition and management.

III. RULES AND REGULATIONS OF THE BOARD RELATING TO INSPECTORS AND INSPECTION.

1. *Relation of inspectors to District Committees.*

1. All inspectors will be under the special direction of the District Committee to which they are assigned by the Board, and will receive their orders either directly from the chairman of the District Committee or the Superintendent of Inspection, or through their District Superintendent.

2. All assignments of inspectors for ordinary inspection will be made by the District Committees, while special inspection duties may be assigned by the Board.

2. *The relation of inspectors to the institutions which they inspect.*

1. In all visitations and inspections, inspectors, while maintaining their statutory privileges, will so conduct their investigations as to avoid unnecessary friction on the part of the officers of institutions, or to disturb the usual daily routine of the service. The establishment of cordial coöperation on the part of the managers and officers of institutions will facilitate the work of inspection.

2. Inspectors must not criticise the management of institutions, either publicly or privately, but in their reports to the Board they shall accurately describe such defects as, in their opinion, require to be remedied; nor shall they direct or advise changes to be made of any matter or thing in any institution unless first specifically authorized by the Board, the District Committee, the Commissioner of the district, or, in his absence, some other Commissioner.

3. *The conduct of inspections.*

1. Special inspections.

A special inspection is a visit to an institution to inquire or examine as to some particular fact or condition. It may be made at any time, the hour selected being the best adapted to obtain the desired information.

For example, the inspector might wish to learn by his own observation of the kind of food served to the inmates at dinner. This information could be secured only by a personal visit unannounced at the dinner hour.

2. General inspections.

All general inspections should be made in accordance with a plan which, while it economizes the time of the inspector and officials, and creates the least possible disturbance of the ordinary details of daily management, will secure a thorough inquiry into the operations and condition of every department of an institution. The inspector should always carry a note-book and make an immediate entry of every observation. The following scheme of a general inspection is best adapted to secure reliable results:

1. Before visiting an institution, the inspector should familiarize himself, as far as possible, with the law relating to it, the objects it is designed to accomplish, as set forth in its charter and its previous history. This information can be obtained at the offices of the Board and will enable the inspector to anticipate the defects of management which may exist.

2. On entering the institution the inspector should first call on the chief officer and inform him of his intention to make a general inspection. If this officer volunteers to accompany him he should accept the offer, but the inspector should not be diverted

from the plan of inspection proposed, unless the suggestions of such officer would manifestly facilitate the work or accomplish some other useful purpose.

3. In order to see the institution in its usual every-day working condition, the inspector should at once visit those parts where such changes may readily be made in existing conditions as will give false impressions if there is any delay. The changes more likely to be made are in the clothing, location or surroundings of certain troublesome inmates. The inspector should, therefore, first make a rapid tour of the institution and endeavor to see all of the inmates in whatever place and condition they may be found. He should next pass rapidly through the dormitories, the kitchen, the laundry and other departments. Having completed this preliminary survey, he should commence a detailed, exhaustive examination of the entire establishment. Every room in the entire building should be examined in regular succession, with the single exception of the chief officers' living rooms. No attendants' rooms, no closets or clothes room, no pantry or cupboard, no wardrobe or recess, no cellar or attic should be exempt from inspection. Every inmate should be seen, and those whose appearance indicates diseases of the eyes or scalp, or uncleanness of person, or deficient clothing or any other evidences of neglect, should be made the subject of special inquiry. If there is a farm connected with the institution, inquiry should be made as to the crops raised and their value, the amount of labor of inmates, and the cost of hired labor, and the final disposition of the products of the farm. The inspection may close with the examination of the books, records and papers.

FIELDBOOK FOR INSPECTORS OF CHARITABLE INSTITUTIONS AND SOCIETIES.

PREFACE.

This manual is not designed to supersede or to be in any sense a substitute for the larger manual published by the Board in 1903, with which the inspectors of the Board are expected to be entirely familiar, but is intended to supplement and interpret for the use

of inspectors the laws and those portions of the manual which relate to the scope of inspections.

The Department of Inspection was organized for the purpose of carrying out the following provisions of the State Charities Law :

ARTICLE I.

Section 11. Powers and Duties of the Board on Visits and Inspections.—On such visits inquiry shall be made to ascertain :

1. Whether all parts of the State are equally benefited by the institutions requiring State aid.

2. The merits of any and all requests on the part of any such institution for State aid, for any purpose, other than the usual expenses thereof; and the amount required to accomplish the object desired.

3. The sources of public moneys received for the benefit of such institution, as to the proper and economical expenditure of such moneys and the condition of the finances generally.

4. Whether the objects of the institution are being accomplished.

5. Whether the laws and the rules and regulations of this Board in relation to it are fully complied with.

6. Its methods of industrial, educational and moral training, if any, and whether the same are best adapted to the needs of its inmates.

7. The methods of government and discipline of its inmates.

8. The qualifications and general conduct of its officers and employes.

9. The condition of its grounds, buildings and other property.

10. Any other matter connected with or pertaining to its usefulness and good management.

It will be seen from the above statute that the ground to be covered in the inspection of a given institution is quite extensive and that a thorough inquiry is required if the Board is to perform conscientiously the duties laid upon it by the Constitution and the law. Reduced to concrete terms the subjects to be covered in a general inspection are indicated by the following outlines for such inspections of each of the following classes of institutions or societies :

- A. Orphan Asylums or Homes for Children.
- B. Hospitals.
- C. Dispensaries.
- D. Agencies for Placing Out or Boarding Out Children in Families.
- E. Homes for the Aged.
- F. Reformatories (under private management).

Each outline is intended to cover the essential points in a careful inspection, but other matters will doubtless suggest themselves from time to time as proper subjects for inquiry. It will be noted that such outline is divided into sections corresponding to the different phases of institution management, viz.: supervision, administration, plant, education, census, etc.

A. OUTLINE FOR GENERAL INSPECTIONS OF ORPHAN ASYLUMS OR HOMES FOR CHILDREN.

General inspections and reports upon institutions in this class should cover the following points. In writing these reports follow this outline, so far as possible:

I. INTRODUCTION.

Give name and location of institution.

Secure names and addresses of the president, the secretary and the treasurer of the governing board and of the chief officer and the attending physician of the institution and note them in the report.

Give dates of present and last inspections.

II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head what action has been taken in regard to the defects enumerated in the last report upon the institutions in question and any improvements made by the management on its own initiative.

III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

Note: 1. Appropriations or receipts of public money for current or last fiscal year and state whether from city, town

- and county, gross or per capita and also similar facts in regard to all appropriations for educational work.
2. The authority for such appropriations.

IV. CAPACITY, CENSUS, AGES AND CLASSIFICATION OF INMATES.

- Note:*
1. The number of beds for boys. The number of beds for girls. Total capacity.
 2. The number of boys, the number of girls, and the total number present.
 3. The number of public charges, the number of private charges.
 4. The ages of the children:
 - a. The number under 2.
 - b. The number from 2 to 12 years of age.*
 - c. The number from 12 to 16 years of age.
 - d. The number over 16 years of age.
 5. Is due attention given to securing a careful and sensible classification of the children?
 6. What are the bases of classification and how far followed?
 7. Whether the system of classification meets the needs of the children.

V. SUPERVISION.

- Note:*
1. The frequency and regularity of meetings of the governing body.
 2. The character and frequency of visits by officers and members of the governing body.
 3. Other evidences of managers' interest.
 4. The work of the important supervisory committees, Executive, Finance, Visiting, House, Admissions and Discharges, etc.; when they meet, how frequently they visit, etc.

VI. ADMINISTRATION.

- Note:*
1. The names of the superintendent, steward, housekeeper (matron), head teacher, and other officers, their pre-

* Differentiation of the ages between 2 and 12 is left to the judgment of the inspector.

vious experience elsewhere and length of service in this institution.

2. The number of employes in each department.
3. Any defects in management, such as failure to perform duties.

VII. PLANT.

- Note:*
1. The condition and suitability of the buildings and grounds.
 2. The suitability, condition and adequacy of the dining rooms and furniture.
 3. The suitability, condition and adequacy of the school-rooms and furniture.
 4. Suitability, condition and adequacy of the playrooms and furniture.
 5. Suitability, condition and adequacy of dormitories.
 6. The kind and condition of beds.
 7. The condition, suitability and adequacy of the quarters of officers and employes.
 8. The condition and adequacy of the heating, lighting, ventilating, water supply and sewerage systems.
 9. The location, condition, equipment, adequacy and methods of work of the laundry. Examine the linen of the institution with this in mind.

VIII. FIRE PROTECTION.

- Note:*
1. Height and material of buildings and whether of fire-proof construction or not.
 2. Number and location of interior stairways and whether fireproof.
 3. Number, location and construction of outside stairways and fire-escapes, and if same can be reached easily.
 4. Fire alarm connection, and date of last inspection by local fire department.
 5. Number and location of standpipes; length and condition of hose and how often tested.
 6. Number and location of portable fire-extinguishers, hand grenades, fire-pails, etc.
 7. Organization and practice of fire drills.

8. Whether night patrol service is established with use of watchman's clock.
9. Protection given swinging gas jets and other heating or lighting fixtures in proximity to woodwork, etc.
10. Presence of rubbish, particularly in attics, cellars, etc., or of oils, inflammable liquids, etc., and care given same.

IX. EDUCATION.

(Insert information required by special educational blank if not already secured.)

- Note:* 1. Whether the children attend the public school, the parochial school, the institution school or have no common school work.
2. If the school is in the institution, the number of classes, the number of teachers, the number of pupils and the number of hours' work given in each of the following departments:
 - a. Kindergarten.
 - b. Primary.
 - c. Grammar.
 - d. Manual training (girls, boys).
 - e. Industrial training (girls, boys).
 3. The studies taught and lines of work pursued in each department.
 4. The number of licensed teachers.
 5. The number of unlicensed teachers.
 6. Number of teachers with previous experience.
 7. Number of teachers without previous experience.
 8. The number of paid teachers.
 9. The number of unpaid teachers.
 10. The date of last examination by the public school or other outside authorities, specifying same.
 11. The methods of teaching, adequacy and thoroughness of the work being done, etc.

X. MORAL TRAINING AND DISCIPLINE.

- Note:* 1. The methods of reward and punishment. Is corporal punishment practiced? If so, is record of punishments made?

2. Whether the children have property rights in clothing; in playthings or other articles.
3. Whether the use of money is taught and how.
4. What other responsibilities are placed upon the children?
5. The methods of moral and ethical training; are they rational and do they seem to be adapted to the needs of the children?

XI. PHYSICAL TRAINING AND RECREATION.

- Note:*
1. What physical exercises are given?
 2. Whether the institution has a gymnasium and an instructor.
 3. Whether military drill is taught.
 4. The sports and games played.
 5. What facilities for play and games does the institution provide, both for the boys and girls?
 6. Whether the children are encouraged to play. Are their sports or games of their own devising?
 7. Whether they have athletic teams or organizations.
 8. Whether they have social clubs or classes.
 9. Whether they are given vacations or outings.
 10. Whether they have visits from friends, and the rule of the institution as to visiting days.
 11. Whether they have the use of books, and read them.
 12. Number of volumes in library, and the general character of the books.

XII. HEALTH AND HYGIENE.

- Note:*
1. Number of cases of contagious diseases for a recent period of six months or a year.
 2. Number of cases of noncontagious diseases for a similar period.
 3. Number of deaths for a similar period and the chief causes and numbers respectively.
 4. The appearance of the children as regards healthfulness; their color, activity, etc.
 5. The construction of the toilet rooms and how far privacy is secured.

6. Condition of toilet rooms and fixtures.
7. Oversight of bathing and the person in charge.
8. Whether an individual or multiple system of baths is used, and whether the baths are of the spray, shower or tub variety.
9. Condition of bathrooms and facilities, and whether roller or individual towels are used.
10. Frequency of baths, and if the water is changed after each tub bath.
11. Whether the children wash their hands before each meal.
12. Condition of facilities for ablutions of hands, and whether roller or individual towels are used.
13. Whether the children have individual hair brushes, combs and tooth brushes, and the condition of the same.
14. What provision is made for the care of the eyes and teeth of the children?
15. The individual children in respect to the care given their eyes, teeth and heads, the cleanliness of their persons and clothing, and the frequency with which their bed linen is changed.
16. Any crippled, defective or abnormal children and ascertain the salient facts in their cases with a view to securing early attention for their difficulties and such special treatment or care as is needed.
17. Date of last inspection by board of health (local).
18. Schedule of the day:
 - a. Hour of rising.
 - b. Time allowed for meals.
 - c. Time allowed for school.
 - d. Time allowed for study.
 - e. Time allowed for household duties.
 - f. Time allowed for shop work.
 - g. Time allowed for physical training and recreation.
 - h. Hour of retiring.

XIII. COMPLIANCE WITH HEALTH LAW.

- Note:**
1. Whether the physician's name and address are posted properly; also, whether his services are given gratuitously or not.
 2. Whether there is individual examination of newcomers and certificates filed.
 3. The maintenance and length of reception quarantine, and whether the physician always discharges inmates therefrom.
 4. Whether there is a monthly examination of children and premises and if the reports thereon are properly filed.
 5. Whether the beds are separated by passageways two feet in width.
 6. Whether 600 cubic feet of air space per bed is found in the dormitories, or where less space is allowed, whether there are official dormitory permits properly posted.
 7. Number of beds and cubic air space per bed allowed in such permits and the actual number of beds and cubic air space per bed.

XIV. CLOTHING.

Examine a number of children as to their clothing and note the number so examined.

- Note:**
1. Condition and adequacy of clothing worn; neatness, suitability, repair, etc.
 2. Kinds of underwear worn both in winter and in summer, and if supplied in full suits.
 3. Frequency of change and washing of underwear.
 4. Method of caring for day clothing at night and vice versa.
 5. Also clothing not being worn at time of inspection—"best clothes," articles in "clean clothes" rooms and closets and in the sewing rooms; also the supplies of clothing made up but not yet in use, and the material on hand.

XV. DIETARY.

Secure and append copy of diet schedule if obtainable and state how far followed.

- Note:* 1. Menu of meals for the day, and indicate those at which inspector was present.
2. Quality, preparation and serving of food.
 3. Whether the children lunch between meals.
 4. Daily milk supply per capita.

XVI. RECORDS AND REPORTS.

- Note:* 1. System of records of children kept; whether book or card or a combination of both systems.
2. Whether they are complete, accurate and accessible.
 3. Whether a visitor's book is kept for parents and relatives and if addresses are properly entered.
 4. Whether the visits of managers are recorded.
 5. Whether records of children discharged are kept and what methods of keeping in touch with them are used.
 6. By whom the books of the institution are kept.
 7. Whether a record of disposition of supplies is kept.

XVII. SPECIAL FEATURES OR MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings—any unique features of the institution or its management, unusual conditions, particular excellencies or defects, etc.

XVIII. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS
(IN ORDER).

Under this heading the inspection and report should focus. The needs of the institution should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the institution.

B. HOSPITALS.

General inspections and reports upon hospitals should cover the following points, and in writing these reports follow this outline as far as possible:

I. INTRODUCTION.

Give name and location of hospital and dates of present and last inspections.

Secure names and addresses of officers of the Board of Managers and of the Superintendent of the hospital and note them in the report.

II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head the defects enumerated in the last report upon the hospital in question and state what action has been taken thereon. Also any improvements made by the management on its own initiative.

III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

- Note:* 1. Appropriations or receipts of public money for the current or last fiscal year, and state whether from city, town or county, gross or per capita, if per capita, at what rate; also the authority therefor.
2. Rates charged for paying patients.

IV. CAPACITY AND CENSUS.

- Note:* 1. Number beds, male surgical wards.
2. Number beds, female surgical wards.
3. Number beds, male medical wards.
4. Number beds, female medical wards.
5. Number beds, maternity wards.
6. Number beds, children's wards.
7. Number beds, emergency wards.
8. Number beds, other public wards.
9. Number beds, private wards and rooms.
10. Total capacity for patients.
11. Number public charges.

- Note:* 12. Number private charges.
13. Number paying patients.
14. Total number present.
15. Number of men.
16. Number of women.
17. Number of children.

V. SUPERVISION.

- Note:* 1. The frequency and regularity of meetings of the Board of Managers.
2. The character and frequency of visits by members of the governing body.
3. Other evidences of managers' interest.
4. The work of the important supervisory committees, Executive, Finance, Visiting, House, Admissions and Discharges, etc. When they meet, how frequently they visit, etc.

VI. ADMINISTRATION.

- Note:* 1. The names, previous experience, length of service, etc., of officers (heads of departments) only.
2. The number of employes in each department of the hospital.
3. Number of visiting staff.
4. Number of consulting staff.
5. Number of house staff; how appointed and term of service.
6. Number of nurses, length of course; monthly allowance and whether pupil nurses engage in private nursing during training.
7. Any defect in management, particularly any failure to perform duties.

VII. PLANT.

- Note:* 1. Condition, suitability and adequacy of the buildings and grounds.
2. Condition and adequacy of the ward dining rooms and furniture.

3. Condition and adequacy of the wards and the ward furniture, amount of floor and air space per bed in each ward and if sufficient.
4. Condition and adequacy of quarters assigned the house staff, nurses and employes.
5. Condition and adequacy of the operating room and its equipment.
6. Condition and adequacy of the kitchen and its equipment.
7. Condition and adequacy of the laundry and its equipment, the methods of work and the condition of the clothes after laundering.
8. Condition and adequacy of the systems of heating, lighting, ventilation, water supply and sewage disposal.

VIII. FIRE PROTECTION.

(Same as VIII, Outline A, "Orphan Asylums.")

IX. DIETARY.

(Secure and append copy of diet schedule, if obtainable, and state how far followed.)

- Note:*
1. Classes of diet (regular, special, extra, milk, etc.).
 2. Menu of meals (regular diet) on day of inspection, and indicate those at which inspector was present.

X. RECORDS AND REPORTS.

- Note:*
1. The system of records kept; book, card or a combined book and card system.
 2. Whether they are complete, accurate and accessible.
 3. Whether the visits of managers are recorded.
 4. By whom the books of the institution are kept.
 5. Whether a record of the disposition of supplies is kept.
 6. The total number of days' care for a given period (six months or a year).
 7. The average duration of stay for the same period.
 8. Total number of ambulance calls for the same period.

XI. SPECIAL FEATURES AND MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings; any unique features of the hospital or its management, unusual conditions, particular excellencies or defects, etc.

XII. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).

Under this heading the inspection and report should focus. The needs of the hospital should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity, so as to present a definite, illuminating and truthful picture to a person not familiar with the institution.

C. DISPENSARIES.

General inspections and reports upon dispensaries should cover the following points. In writing these reports follow this outline so far as possible:

I. INTRODUCTION.

Give name and location of dispensary and dates of present and last inspections.

Secure names and addresses of officers of the board of managers and of the superintendent of the dispensary and note them in the report.

II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head the defects enumerated in the last report upon the dispensary in question and state what action has been taken thereon. Also any improvements made by the management on its own initiative.

III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

Note: 1. Appropriations or receipts of public money for current or last fiscal year, whether from city, town or county, gross or per capita, and the authority therefor.

IV. SUPERVISION.

- Note:**
1. Frequency and regularity of board meetings.
 2. Frequency of official and unofficial visits.
 3. Other evidences of managers' interest.
 4. Work of important supervisory committees.
 5. Whether the dispensary is connected with another society or under a separate board of managers.

V. ADMINISTRATION.

- Note:**
1. The names of the officers, their previous experience elsewhere and length of service in this dispensary.
 2. Total number of officers and employes.
 3. Size of medical staff.
 4. Hours dispensary is open.
 5. Any defects in management, such as failure on the part of any officer or employe to perform his duties.

VI. PLANT.

- Note:**
1. Nature, condition, suitability and adequacy of building.
 2. Condition, suitability and adequacy of waiting rooms.
 3. Condition, suitability and adequacy of clinic rooms.
 4. Condition, suitability and adequacy of apothecary's shop.
 5. Condition, suitability and adequacy of systems of heating, lighting, ventilation and sewerage.

VII. RECORDS AND REPORTS.

- Note:**
1. The system of records; whether book, card or both book and card.
 2. Whether complete, accurate and accessible.

VIII. COMPLIANCE WITH THE RULES OF THE BOARD.

Note compliance or otherwise with rules:

1. Posting of public notice.
2. Appointment of registrar.
3. Duties of registrar.
 - a. Prompt treatment of emergency cases.

- b. Admission of needy applicants after personal examination and inquiry.
- c. Use of representation cards in doubtful cases, and subsequent investigation.
- d. Use of admission cards with penalty printed on back.
- 4. Appointment of matron; presence at examinations and operations.
- 5. Exclusion of certain contagious diseases.
- 6. Clinical and other instruction permitted but forbidden as a condition for treatment.
- 7. Licensed apothecary.
- 8. Compliance with ordinances of board of health and minute thereon.
- 9. Seats for all applicants; arrangements for separation of sexes in waiting rooms; suitable quarters and equipment.

IX. STATISTICS.

- Note:*
- 1. Number of vaccinations.
 - 2. Number of prescriptions.
 - 3. Number of new cases.
 - 4. Number of old cases.
 - 5. Total treatments.
 - 6. Dispensary days.
 - 7. Average per day.

X. SPECIAL FEATURES OR MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings; any unique features of the dispensary or its management, unusual conditions, particular excellencies or defects, etc.

XI. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).

Under this heading the inspection and report should focus. The needs of the dispensary should be noted with much care during the inspection and stated in the report with clearness,

completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the dispensary.

D. PLACING OUT OR BOARDING OUT AGENCIES.

General inspections and reports upon placing out or boarding out agencies should cover the following points. In writing these reports follow this outline as far as possible:

I. INTRODUCTION.

Give name and location of agency and dates of present and last inspections.

Secure names and addresses of officers of the Board of Managers and of the Superintendent of the agency and note them in the report.

II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head the defects enumerated in the last report upon the agency in question and state what action has been taken thereon. Also any improvements made by the management on its own initiative.

III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

- Note:*
1. Amount of appropriations and receipts of public money for current or last fiscal year.
 2. Authority for such appropriations or payments.
 3. Whether made by city, town or county officials and whether on a basis of gross or per capita payments and if per capita, the rate of payment to the agency.
 4. Rate of payment to families for children boarded out.

IV. SUPERVISION.

- Note:*
1. Frequency and regularity of Board of Managers' meetings.
 2. The work of the important supervisory committees.
 3. Whether the managers pass upon the applications for children and the assignment of children to homes.
 4. Other evidences of managers' interest.

V. ADMINISTRATION.

- Note:* 1. The names of the officers of the agency, their previous experience elsewhere and their length of service in their present positions.
2. The list of employes.
3. Any failure of officers to perform duties properly.

VI. PLANT.

- Note:* 1. Adequacy, suitability and condition of the agency's equipment, including temporary home, if any.

VII. CENSUS.

- Note:* 1. Number public charges, boys, girls.
2. Number private charges, boys, girls.
3. Total number of children in charge of society on date of inspection, boys, girls.
4. Number in free homes, boys, girls.
5. Number in boarding homes, boys, girls.
6. Number in agency's temporary home, boys, girls.
7. Number in other institutions, hospitals, etc., boys, girls.

VIII. HEALTH OF CHILDREN.

(For agencies boarding out children in families.)

- Note:* 1. Number of cases of sickness during the year.
2. Number of deaths.
3. Chief causes of deaths and the numbers of each.

IX. CLOTHING.

- Note:* 1. Whether the agency supplies clothing to the children whom it boards or places out, and if so, what kind?

X. SELECTION OF THE CHILDREN.

- Note:* 1. The sources from which the children are drawn.
2. Whether investigation into the circumstances of children's parents is made.
3. Whether care is taken to keep family of child intact where possible.

XI. SELECTION OF HOMES.

- Note:**
1. The records and reports secured before placing of child.
 2. The methods employed for investigating the suitability of the homes:
 - a. Correspondence with applicant.
 - b. Correspondence with references given by applicant.
 - c. Correspondence with references secured independently of the applicant.
 - d. Visits to the applicant's home by agent of the society before child is placed.
 3. The agency's requirements of families receiving children:
 - a. As to school attendance.
 - b. Child's privileges and place in the family.
 - c. As to remuneration of child after majority (free homes).

(Secure copy of usual agreement.)
 4. Results of visits to two or three homes selected at random, noting their character and if the children and their homes seem well suited to each other.

XII. OVERSIGHT OF CHILDREN IN HOMES.

- Note:**
1. The methods of keeping in touch with the children until their majority:
 - a. By visiting children in their homes.
 - b. By correspondence with children.
 - c. By visits of children to agency.
 - d. By reports and letters from foster parents.
 - e. By reports and letters from school-teachers.

XIII. LOCATION OF HOMES.

- Note:**
1. States and localities to which children are largely sent.
 2. States requiring bonds of the agency.

XIV. RECORDS AND STATISTICS.

- Note:**
1. Whether the records of the agency are accessible, complete, accurate and kept in an orderly manner.

2. Number of applications for children received during given period.
3. Number approved.
4. Number disapproved.
5. Number boarded in families during a given period.
6. Number placed in free family homes during a given period.
7. Number of investigations of prospective homes during a given period.
8. Number of visits by agents to children during a given period.
9. Number of reports from teachers of children during a given period.
10. Number of letters from children during a given period.
11. Number of defective or crippled children in care of the society, or those otherwise unsuitable for placing out.

XV. SPECIAL FEATURES OR MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings; any unique features of the agency or its management, unusual conditions, particular excellencies or defects, etc.

XVI. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).

Under this heading the inspection and report should focus. The needs of the agency should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the agency.

(A set of the blank forms used by the agency should be secured.)

E. HOMES FOR THE AGED.

General inspections of institutions in this class may follow outline A (for orphan asylums) in part only, as follows. In writing the report the sections should be renumbered:

- Section**
- I. Introduction.
 - II. Improvements and changes.
 - III. Appropriations and receipts of public money.
 - IV. Census, age and classification of inmates. Headings Nos. 1, 2 (number of men and women), 4 and 5 only.
 - V. Supervision.
 - VI. Administration.
 - VII. Plant. Headings Nos. 1, 2, 5, 6, 7, 8, 9 and 10 only.
 - VIII. Fire protection.
 - XI. Physical training and recreation. Headings 10, 11 and 12 only.
 - XII. Health and hygiene. Headings 6, 9 and 17 only.
 - XIV. Clothing.
 - XV. Dietary. Headings 1 and 2 only.
 - XVI. Records and reports. Headings 1, 2, 4, 6 and 7 only.
 - XVII. Special features or matters.
 - XVIII. Needs, considerations and recommendations.
-

F. REFORMATORIES.

General inspections of institutions in this class may follow outline A (for orphan asylums), in part only as follows. In writing the report the sections should be renumbered:

- Section**
- I. Introduction.
 - II. Improvements and changes.
 - III. Appropriations and receipts of public money.
 - IV. Census, ages and classification of inmates. Headings Nos. 1, 2 and 4, without change. Heading No. 3, "Age of inmates."
 - a. No. under 12.
 - b. No. from 12 to 16.
 - c. No. from 16 to 21.
 - d. No. from 21 to 30.
 - e. No. over 30.

Also the following headings:

5. Whether the classification contemplated in chapter 353, Laws of 1886 (with amendments), and chapter 439, Laws of 1892, is observed.

6. Whether care is taken to secure proper classification of all other cases.

7. Under what statutes the inmates are committed.

8. The usual periods of commitment.

V. Supervision.

VI. Administration.

VII. Plant. To Heading No. 1 should be added the following, "Whether they provide for proper classification." To Heading No. 3 should be added "and of the rooms and facilities for industrial work."

VIII. Fire protection.

IX. Education. Headings 2 (B, C, D and E), 3, 4, 5, 6, 7 and 11.

X. Moral training and discipline. Headings 1 and 5 (for "children" read "inmates").

Heading 2. Whether discipline is rational, even and sustained, combining firmness with kindness.

Heading 3. Whether the inmates are graded and pass from one grade to another according to conduct.

Heading 4. Whether the term of commitment may be shortened by good conduct, and to what extent the inmates are discharged for good behavior.

XI. Physical training and recreation.

XII. Health and hygiene (for "children" read "inmates").

XIII. Compliance with Health Law.

XIV. Clothing.

XV. Dietary. (Headings 1 and 2.) No. 3. Whether any distinction is made in kinds or amount

of food, according to the employment of the inmates.

XVI. Records and reports. Headings 1, 4, 5, 6, 7 (for "children" read "inmates").

XVII. Special features and matters.

XVIII. Needs, considerations and recommendations.

G. FRESH AIR CHARITIES.

General inspections and reports upon charities in this class should cover the following points. In writing these reports follow this outline as far as possible:

I. INTRODUCTION.

Give name of agency and location of main office and fresh air property.

Secure names and addresses of the president, the secretary and the treasurer of the governing board and of the chief officer and the attending physician of the agency and note them in the report.

Give dates of present and last inspections.

II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head what action has been taken in regard to the defects enumerated in the last report upon the charity in question and any improvements made by the management upon its own initiative.

III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

Note: 1. Appropriations of public money for current or last fiscal year and state whether from city, town or county, gross or per capita.

2. The authority for such appropriations.

IV. CAPACITY, CENSUS, BENEFICIARIES, ETC.

Note: 1. Total accommodation for day parties.

Total accommodation for temporary residents.

Total accommodation for hospital cases.

2. Number of beneficiaries on date of inspection.
Number of day parties.
Number of temporary residents.
Number of hospital cases.
3. Classes of beneficiaries (whether women, girls, boys, babies). Age limit of persons received.
4. How are beneficiaries grouped in matters of housing, eating, recreation, etc.? What separation of day parties from temporary residents is made?

V. SUPERVISION.

- Note:*
1. The frequency and regularity of meetings of the governing body.
 2. The character and frequency of visits by officers and members of the governing body.
 3. Other evidences of managers' interest.
 4. The work of the important supervisory committees, executive, finance, visiting, etc. When they meet, how frequently they visit, etc.

VI. ADMINISTRATION.

- Note:*
1. The names of the superintendent and other officers, their previous experience elsewhere, and length of service in this agency.
 2. The number of employes in each department.
 3. Dates of opening and closing for the season.
 4. Length of stay permitted.
 5. How are parties made up? Does the society issue its invitations directly or through other societies, agencies or individuals?
 6. Is a thorough investigation (including a medical examination) made in all cases covering the matters of house conditions, family earnings, health, etc.?
 7. The precautions taken to prevent the admission of children suffering from or exposed to contagious diseases.
 8. Any defects in management, any failure to perform duties, etc.

VII. PLANT.

- Note:*
1. The condition, suitability and adequacy of the offices, buildings and grounds and other equipment. Play rooms and furniture, dormitories, bath-houses, quarters of officers, employes, etc., and other facilities, particularly refrigerators for keeping food supplies in hot weather. (Dairy iceboxes for the care of milk.)
 2. The condition and adequacy of lighting, ventilating, water supply and sewerage systems.
 3. The location, equipment, adequacy and methods of work of the laundry, if any. Examine the linen with this in mind.

VIII. FIRE PROTECTION.

- Note:*
1. Height and material of buildings used by agency and whether of fireproof construction or not.
 2. Number and location of interior stairways and whether fireproof.
 3. Number, location and construction of outside stairways and fire-escapes; and if same can be reached easily.
 4. Fire alarm connection and date of last inspection by local fire department.
 5. Number and location of stand pipes; length and condition of hose, and how often tested.
 6. Number and location of portable fire extinguishers, hand grenades, fire pails, etc.
 7. Organization and practice of fire drills.
 8. Whether night patrol service is established with use of watchman's clock.
 9. Protection given to swinging gas jets and other heating or lighting fixtures in proximity to woodwork, etc.
 10. Presence of rubbish, particularly in attics, cellars, etc., or of oils, inflammable liquids, etc., and care given to same.

IX. PHYSICAL TRAINING AND RECREATION.

- Note:* 1. What physical training, if any, is given.
2. The sports and games played.
3. What facilities for play and games does the agency provide.
4. Are physical instructors or special persons to have charge of the children at play, employed?

X. HEALTH AND HYGIENE.

- Note:* 1. The construction of toilet rooms and how far privacy is secured.
2. Condition of toilet room and fixtures.
3. Oversight of bathing and the name of person in charge.
If there is sea or lake bathing, condition of bath houses, suits, towels. How cleaned and washed?
Is expert swimmer in charge?
4. Condition of bath rooms and facilities and whether roller or individual towels are used.
5. Frequency of baths.
6. Whether the children have individual hair brushes, combs, soap and tooth brushes, and the condition of the same.
7. The individual children in respect to the care given their eyes, teeth and heads, the cleanliness of their persons and clothing, and the frequency with which their bed linen is changed.
8. Frequency of change and washing of underclothing.
9. Date of last inspection by Board of Health (Local).
10. Schedule of the day:
a. Hour of rising.
b. Time allowed for meals.
c. Time allowed for household duties.
d. Time allowed for play, physical training, etc.
e. Hour of retiring.

XI. DIETARY.

Secure and append copy of diet schedule if obtainable and state how far followed:

- Note:* 1. Menu of meals for the day, and indicate those at which inspector was present.
2. Quality, preparation and serving of food.
3. Whether the children lunch between meals.
4. Daily milk supply per capita.
5. Classes of diet in hospital, if any.

XII. RECORDS AND REPORTS.

- Note:* 1. System of records kept; whether book or card or a combination of both systems.
2. Whether they are complete, accurate and accessible.
3. Whether the visits of managers are recorded.
4. By whom the books of the agency are kept.
5. Whether a record of disposition of supplies is kept.

XIII. SPECIAL FEATURES OR MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings—any unique features of the institution, or of its management, unusual conditions, particular excellencies or defects, etc.

XIV. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).

Under this heading the inspection and report should focus. The needs of the agency should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the institution.

H. INDUSTRIAL SCHOOLS.

I. NAME AND LOCATION OF SCHOOL, AND ADDRESSES OF CHAIRMAN AND PRINCIPAL.

DATES OF PRESENT AND LAST INSPECTIONS.

II. IMPROVEMENTS AND CHANGES.

III. CAPACITY AND CENSUS—BOYS AND GIRLS.

- Note:* 1. The number of boys, the number of girls, and the total number present.

2. The ages of the children :
 - a. The number under 2.
 - b. The number from 2 to 12 years of age.
 - c. The number from 12 to 16 years of age.
 - d. The number over 16 years of age.

IV. ADMINISTRATION.

- Note:*
1. The names of teachers, previous experience, length of service, certificates, salaries, etc.
 2. The attention given the matter of admission with a view to receiving only children unable to attend the public schools.
 3. Any failure to perform duties.

V. PLANT.

- Note:*
1. The location, condition and suitability of the buildings and grounds.
 2. The suitability, condition and adequacy of the dining rooms and furniture.
 3. The suitability, condition and adequacy of the school rooms and furniture.
 4. Suitability, condition and adequacy of the facilities for recreation.
 5. The condition and adequacy of the heating, lighting, ventilating, water supply and sewerage systems.

VI. FIRE PROTECTION.

- Note:*
1. Height and material of buildings and whether of fire-proof construction or not.
 2. Number and location of interior stairways and whether fire-proof.
 3. Number, location and construction of outside stairways and fire-escapes, and if same can be reached easily.
 4. Fire alarm connection, and date of last inspection by local fire department.
 5. Number and location of standpipes; length and condition of hose, and how often tested.
 6. Number and location of portable fire extinguishers, hand grenades, fire pails, etc.

7. Organization and practice of fire drills.
8. Protection given swinging gas jets and other heating or lighting fixtures in proximity to woodwork, etc.
9. Presence of rubbish, particularly in attics, cellars, etc., or of oils, inflammable liquids, etc., and care given same.

VII. EDUCATIONAL WORK.

- Note:**
1. The number of classes, the number of teachers, the number of pupils and the number of hours' work given in each of the following departments:
 - a. Kindergarten.
 - b. Primary.
 - c. Grammar.
 - d. Manual training (girls, boys).
 - e. Industrial training (girls, boys).
 2. The studies taught and lines of work pursued in each department.
 3. The methods of teaching, adequacy and thoroughness of the work being done, etc.
 4. The date of last examination by the public school or other outside authorities, specifying same.

VIII. MORAL TRAINING AND DISCIPLINE.

- Note:**
1. The methods of reward and punishment. Is corporal punishment practiced? If so, is record of punishment made?
 2. The methods of moral and ethical training. Are they rational and do they seem to be adequate to the needs of the children?

IX. PHYSICAL TRAINING AND RECREATION.

- Note:**
1. What physical exercises are given?
 2. Whether the school has a gymnasium and an instructor.
 3. What facilities for play and games does the school provide, both for the boys and girls.
 4. Whether they have the use of books and read them.
 5. Number of volumes in library, and the general character of the books.

X. HEALTH AND HYGIENE.

- Note:* 1. The appearance of the children as regards healthfulness; their color, activity, etc.
2. The construction of the toilet rooms and how far privacy is secured.
3. Condition of toilet rooms and fixtures.
4. Any crippled, defective or abnormal children, and ascertain the salient facts in their cases with a view to securing early attention for their difficulties and such special treatment or care as is needed.
5. The frequency and regularity of the visits of the local health officer.

XI. RECORDS AND REPORTS.

- Note:* 1. System of school records of children kept; and whether they are complete, accurate and accessible.
2. Whether a visitor's book is kept.
3. Whether the visits of managers are recorded.

XII. SPECIAL FEATURES OR MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings—any unique features of the school or its management, unusual conditions, particular excellencies or defects, etc. The suitability of the location in reference to poorest class of children, for example.

XIII. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).

Under this heading the inspection and report should focus. The needs of the school should be noted with much care during the inspection and stated in the report with clearness, completeness and yet with brevity so as to present a definite, illuminating and truthful picture to a person not familiar with the institution.

I. TEMPORARY HOMES.

General inspections of institutions in this class should cover the following points:

I. INTRODUCTION.

Give name and location of institution.

Secure names and addresses of the president, the secretary and the treasurer of the governing board, and of the chief officer and the attending physician of the institution and note them in the report.

Give dates of present and last inspections.

II. IMPROVEMENTS AND CHANGES SINCE LAST INSPECTION.

Note under this head what action has been taken in regard to the defects enumerated in the last report upon the institution in question and any improvements made by the management on its own initiative.

III. APPROPRIATIONS OR RECEIPTS OF PUBLIC MONEY.

- Note:* 1. Appropriations of public money for current or last fiscal year and state whether from city, town or county, gross or per capita, and also similar facts in regard to all appropriations for educational work.
2. The authority for such appropriations.

IV. CAPACITY, CENSUS, AGES AND CLASSIFICATION OF INMATES.

- Note:* 1. The number of beds for boys. The number of beds for girls. Total capacity.
2. The number of boys, the number of girls, and the total number present.
3. The number of public charges, the number of private charges.
4. The general ages of the children.
5. Is due attention given to securing a careful and sensible classification of the children?
6. What are the bases of classification and how far followed?
7. Whether the system of classification meets the needs of the children.

V. SUPERVISION.

- Note:* 1. The frequency and regularity of meetings of the governing body.

2. The character and frequency of visits by officers and members of the governing body.
3. Other evidences of managers' interest.
4. The work of the important supervisory committees, executive, finance, visiting, house, admissions and discharges, etc. When they meet, how frequently they visit, etc.

VI. ADMINISTRATION.

- Note:*
1. The names of the superintendent, steward, housekeeper (matron), head teacher, and other officers, their previous experience elsewhere and length of service in this institution.
 2. The number of employes in each department.
 3. Any defects in management, such as failure to perform duties.

VII. PLANT.

- Note:*
1. The condition and suitability of the buildings and grounds.
 2. The suitability, condition and adequacy of the dining rooms and furniture.
 3. The suitability, condition and adequacy of the school-rooms and furniture.
 4. Suitability, condition and adequacy of dormitories.
 5. The kind and condition of beds.
 6. The condition, suitability and adequacy of the quarters of officers and employes.
 7. The condition and adequacy of the heating, lighting, ventilating, water supply and sewerage systems.
 8. The location, condition, equipment, adequacy and methods of work of the laundry. Examine the linen of the institution with this in mind.

VIII. FIRE PROTECTION.

- Note:*
1. Height and material of buildings and whether of fire-proof construction or not.
 2. Number and location of interior stairways and whether fireproof.

3. Number, location and construction of outside stairways and fire-escapes, and if same can be reached easily.
4. Fire alarm connection, and date of last inspection by local fire department.
5. Number and location of standpipes; length and condition of hose, and how often tested.
6. Number and location of portable fire extinguishers, hand grenades, fire pails, etc.
7. Organization and practice of fire drills.
8. Whether night patrol service is established with use of watchman's clock.
9. Protection given swinging gas jets and other heating or lighting fixtures in proximity to woodwork, etc.
10. Presence of rubbish, particularly in attics, cellars, etc., or of oils, inflammable liquids, etc., and care given to same.

IX. EDUCATION.

- Note:*
1. Whether the children attend the public school, the parochial school, the institution school or have no common school work.
 2. If the school is in the institution, the number of classes, the number of teachers, the number of pupils and the number of hours work given in each of the following departments:
 - a. Kindergarten.
 - b. Primary.
 - c. Grammar.
 - d. Manual training (girls, boys).
 - e. Industrial training (girls, boys).
 3. The studies taught and lines of work pursued in each department.
 4. The methods of teaching, adequacy and thoroughness of the work being done, etc.

X. PHYSICAL TRAINING AND RECREATION.

- Note:*
1. Whether the home has a gymnasium and an instructor.
 2. What facilities for recreation does the home provide?
 3. Number of volumes in library, the general character of the books and how much used.

XI. HEALTH AND HYGIENE.

- Note:**
1. Number of cases of contagious disease for a recent period of six months or a year.
 2. Number of cases of non-contagious disease for a similar period.
 3. Number of deaths for a similar period and the chief causes and numbers respectively.
 4. The appearance of the children as regards healthfulness, their color, activity, etc.
 5. The construction of the toilet rooms and how far privacy is secured.
 6. Condition of toilet rooms and fixtures.
 7. The oversight of bathing; who is in charge?
 8. Whether an individual or multiple system of baths is used, and whether the baths are of the spray, shower or tub variety.
 9. Condition of bath rooms and facilities, and whether roller or individuals towels are used.
 10. Frequency of baths, and if the water is changed after each tub bath.
 11. The individual children in respect to the care given their eyes, teeth and hands, the cleanliness of their persons and clothing, and the frequency with which their bed linen is changed.
 12. Any crippled, defective or abnormal children, and ascertain the salient facts in their cases with a view to securing early attention for their difficulties and such special care or treatment as is needed.
 13. Date of last inspection by board of health (local).

XIII. COMPLIANCE WITH THE PUBLIC HEALTH LAW.

- Note:**
1. Whether the physician's name and address are posted properly; also, whether his services are given gratuitously or not.
 2. Whether there is individual examination of newcomers and certificates filed.
 3. The maintenance and length of reception quarantine, and whether the physician always discharges inmates therefrom.

4. Whether there is a monthly examination of children and premises, and if the reports thereon are properly filed.
5. Whether the beds are separated by passageways two feet in width.
6. Whether 600 cubic feet of air space per bed is found in the dormitories, or where less space is allowed, whether there are official dormitory permits properly posted.
7. Number of beds and cubic air space per bed allowed in such permits and the actual number of beds and cubic air space per bed.

XIV. CLOTHING.

Examine a number of children as to their clothing and note the number so examined.

- Note:*
1. Condition and adequacy of clothing worn, neatness, suitability, repair, etc.
 2. Kinds of underwear worn both in winter and in summer, and if supplied in full suits.
 3. Frequency of change and washing of underwear.
 4. Method of caring for day clothing at night and vice versa.
 5. Also clothing not being worn at time of inspection—"best clothes," articles in "clean clothes" rooms and closets and in the sewing rooms; also the supplies of clothing made up but not yet in use, and the material on hand.

XV. RECORDS AND REPORTS.

- Note:*
1. Whether the visits of managers are recorded.
 2. By whom the books of the institution are kept.
 3. Whether a record of disposition of supplies is kept.

XVI. SPECIAL FEATURES OR MATTERS.

This heading is designed to afford opportunity for the discussion of such matters as cannot readily or properly be classified under the other headings—any unique features of the institution

or its management, unusual conditions, particular excellencies or defects, etc.

XVII. NEEDS, CONSIDERATIONS AND RECOMMENDATIONS (IN ORDER).

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ABSTRACT OF GENERAL ORDERS

AND

PROCEEDINGS

OF THE

Fortieth Annual Encampment

DEPARTMENT OF NEW YORK, G. A. R.

Held at Saratoga, June 20, 21 and 22

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TRANSMITTED TO THE LEGISLATURE MARCH 22, 1906.

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STATE OF NEW YORK.

No. 32.

IN SENATE,

MARCH 24, 1906.

Fortieth Annual Encampment, Department of
New York, Grand Army of the Republic.

DEPARTMENT OF NEW YORK, G. A. R.,

CAPITOL, ALBANY, *March 24, 1906.*

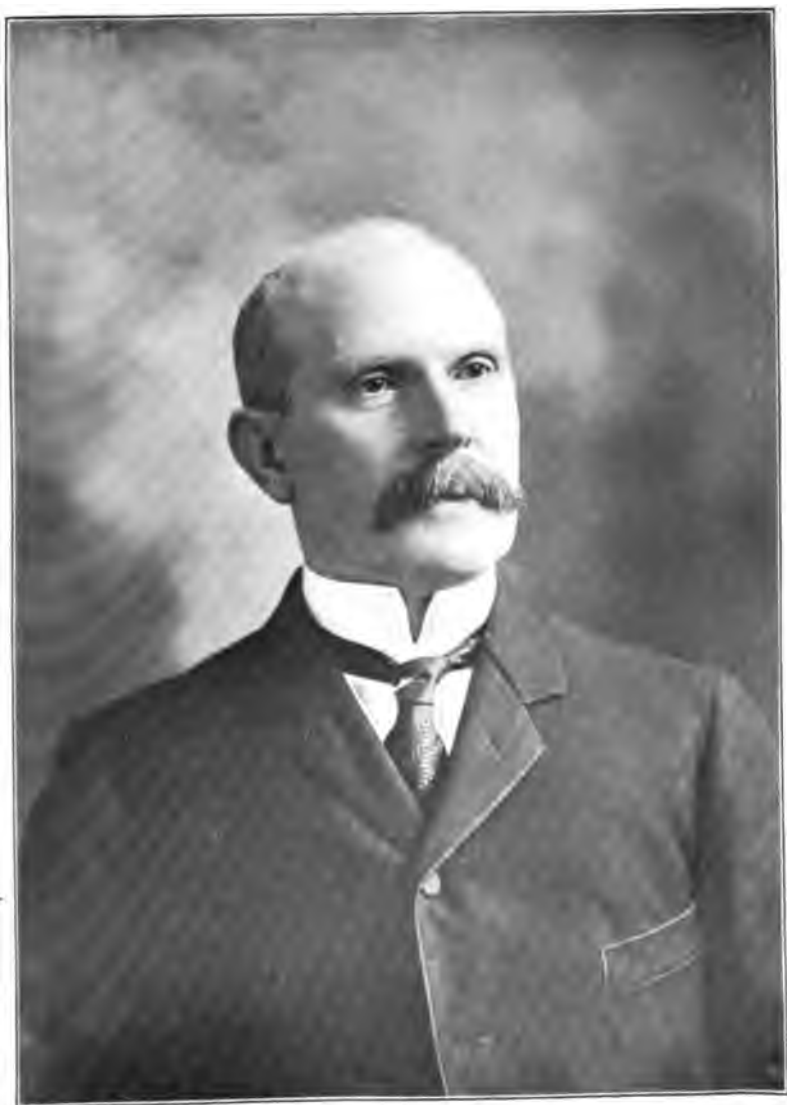
To the Legislature:

Sirs.—I have the honor to transmit herewith the abstract of General Orders and Proceedings of the Fortieth Annual Encampment, Department of New York Grand Army of the Republic, for the year 1906.

Very respectfully,

JAMES M. SNYDER,

Department Commander.



JAMES M. SNYDER,
Department Commander.



ROSTER OF OFFICERS.

1904-1905.

DEPARTMENT OFFICERS.

HENRY N. BURHANS.....Department Commander.
W. CHARLES SMITH.....Senior Vice-Commander.
L. L. HANCHETT.....Junior Vice-Commander.
PETER D. LEYS, M. D.....Medical Director.
REV. JAMES A. TAPPEN.....Chaplain.

OFFICIAL STAFF.

WILLIAM SEARS.....Assistant Adjutant-General.
HENRY S. REDMAN.....Assistant Quartermaster-General.
HORACE D. ELLSWORTH.....Judge-Advocate.
M. J. CUMMINGS.....Department Inspector.
JAMES A. TAGGERT.....Chief Mustering Officer.
ROBERT S. HEILFERTY.....Senior Aide-de-Camp.

COUNCIL OF ADMINISTRATION.

L. V. S. MATTISON,
E. C. PARKISON,
JOHN DWYER.

PAST NATIONAL OFFICERS.

***JOHN C. ROBINSON.....Commander-in-Chief, 1877-78.**
JOHN PALMER.....Commander-in-Chief, 1891-92.
***ALBERT D. SHAW.....Commander-in-Chief, 1899-1900.**
***EDWARD JARDINE..Senior Vice-Commander-in-Chief, 1874.**
JOHN PALMER.....Senior Vice-Commander-in-Chief, 1879.
ALFRED LYTH.....Senior Vice-Commander-in-Chief, 1898.
JOSEPH HADFIELD....Junior Vice-Commander-in-Chief, 1888.

*Deceased.

PAST DEPARTMENT COMMANDERS.

*James B. McKean.....	Saratoga Springs.
Daniel E. Sickles.....	New York City.
Edward B. Lansing.....	Auburn.
*John C. Robinson.....	Binghamton.
*Henry A. Barnum.....	New York City.
*Stephen P. Corliss.....	Albany.
John Palmer.....	Albany.
James Tanner.....	Washington, D. C.
*William F. Rogers.....	Buffalo.
*James McQuade.....	Utica.
*L. Coe Young.....	Binghamton.
*Abram Merrett.....	Nyack.
James S. Fraser.....	New York City.
John A. Reynolds.....	Rochester.
*Ira M. Hedges.....	Haverstraw.
†H. Clay Hall.....	Little Falls.
*Joseph I. Sayles.....	Rome.
*George H. Treadwell.....	Albany.
N. Martin Curtis.....	Ogdensburg.
Harrison Clark.....	Albany.
*Floyd Clarkson.....	New York City.
Charles H. Freeman.....	Corning.
*Theodore L. Poole.....	Syracuse.
Joseph P. Cleary.....	Rochester.
John C. Schotts.....	Yonkers.
Edward J. Atkinson.....	New York City.
James S. Graham.....	Rochester.
*Albert D. Shaw.....	Watertown.
Anson S. Wood.....	Wolcott.
Joseph W. Kay.....	Brooklyn.
N. P. Pond.....	Rochester.
C. A. Orr.....	Buffalo.
Allen C. Bakewell.....	New York City.
John S. Koster.....	Port Leyden.

* Deceased.

† Dismissed by sentence of a National Court Martial 1886, thereby losing his membership in National and Department Encampments as a Past Department Commander. On recommendation of his Post, and Department Commander Anson S. Wood, he was restored to membership in the Grand Army of the Republic in 1898, by order of General J. P. S. Gobin, Commander-in-chief.

DELEGATES AND ALTERNATES TO THE NATIONAL ENCAMPMENT.

DELEGATE-AT-LARGE.

	POST.
George W. Dunn.....	30

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William Blasie.....	5
Miles O'Reilly.....	327
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ROSTER OF OFFICERS.

1905-1906.

DEPARTMENT OFFICERS.

JAMES M. SNYDER.....Department Commander.
GEORGE E. DEWEY Senior Vice-Commander.
D. J. O'BRIENJunior Vice-Commander.
WILLIAM TAYLOR, M. D.....Medical Director.
REV. ASHER COOK.....Chaplain.

OFFICIAL STAFF.

SPENCER W. SNYDER.....Assistant Adjutant-General.
EDWARD J. MITCHELL....Assistant Quartermaster-General.
LEWIS E. GRIFFITH.....Judge Advocate.
J. B. LORD.....Department Inspector.
S. McAULIFFE.....Chief Mustering Officer.
JAMES CAMPBELL.....Senior Aide-de-Camp.
OSCAR D. ROBINSON Patriotic Instructor.

COUNCIL OF ADMINISTRATION.

JOSEPH MURPHY,	W. H. DANIELS,
R. H. FARGUE,	W. S. NEWMAN,
H. F. TARBOX.	

The above will be changed at Encampment held in June.

PAST NATIONAL OFFICERS.

*JOHN C. ROBINSON.....Commander-in-Chief, 1877-78
*JOHN PALMER.....Commander-in-Chief, 1891-92
*ALBERT D. SHAW..... Commander-in-Chief, 1899-1900
JAMES TANNER Commander-in-Chief, 1906
*EDWARD JARDINE....Senior Vice-Commander-in-Chief, 1874

*Deceased.

- *JOHN PALMER.....Senior Vice-Commander-in-Chief, 1879
 ALFRED LYTH.....Senior Vice-Commander-in-Chief, 1898
 *JOSEPH HADFIELD...Junior Vice-Commander-in-Chief, 1888

PAST DEPARTMENT COMMANDERS.

- *James B. McKean, 1866-67.....Saratoga Springs.
 Daniel E. Sickles, 1868-69.....New York City.
 *Edward B. Lansing, 1869.....Auburn.
 *John C. Robinson, 1870.....Binghamton.
 *Henry A. Barnum, 1871-72.....New York City.
 *Stephen P. Corliss, 1873-74.....Albany.
 *John Palmer, 1875.....Albany.
 James Tanner, 1876-77.....Washington, D. C.
 *William F. Rogers, 1878.....Buffalo.
 *James McQuade, 1879.....Utica.
 *L. Coe Young, 1880.....Binghamton.
 *Abram Merritt, 1881.....Nyack.
 James S. Fraser, 1882.....Bronx, New York.
 John A. Reynolds, 1883.....Rochester.
 *Ira M. Hedges, 1884.....Haverstraw.
 †H. Clay Hall.....Little Falls.
 *Joseph I. Sayles, 1886.....Rome.
 *George H. Treadwell, 1887.....Albany.
 N. Martin Curtis, 1888.....New York.
 Harrison Clark, 1889.....Albany.
 *Floyd Clarkson, 1890.....New York City.
 Charles H. Freeman, 1891.....Corning.
 *Theodore L. Pool, 1892.....Syracuse.
 *Joseph P. Cleary, 1893.....Rochester.
 John C. Shotts, 1894.....Yonkers.
 Edward J. Atkinson, 1895.....New York City.
 James S. Graham, 1896.....Rochester.
 *Albert D. Shaw, 1897.....Watertown.
 *Anson S. Wood, 1898.....Wolcott.

* Deceased.

† Dismissed by sentence of a National Court Martial, 1886, thereby losing his membership in National and Department Encampments as a Past Department Commander. On recommendation of his Post, and Department Commander Anson S. Wood, he was restored to membership in the Grand Army of the Republic in 1898 by order of General J. P. S. Gobin, Commander-in-Chief.

Joseph W. Kay, 1899.....	Brooklyn.
Nathan P. Pond, 1900.....	Rochester.
Charles A. Orr, 1901.....	Buffalo.
Allan C. Bakewell, 1902.....	New York City.
John S. Koster, 1903.....	Port Leyden.
Henry N. Burhans, 1904.....	Syracuse.
Jas. M. Snyder, 1905.....	Troy.

DELEGATES AND ALTERNATES TO THE FORTIETH NATIONAL ENCAMPMENT.

Star indicates were present at roll call.

REPRESENTATIVES.

	POST.
Chauncey M. Depew (at large), New York.....	140
*A. J. Smith, Buffalo.....	9
*Lewis E. Griffith, Troy.....	34
C. S. Graves, Natural Bridge.....	588
James A. Blanchard, New York.....	140
*Samuel C. Yeaton, Brooklyn.....	197
*George L. Clemons, Clemons.....	622
*Augustus Pruyn, Albany.....	121
*C. H. Norton, Syracuse.....	151
J. A. Goulden, New York.....	578
*H. J. Swift, Buffalo.....	183
Crumbie Bolton, Troy.....	471
E. B. Black, Whitney's Point.....	299
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*A. B. Wilbur, Middletown.....	301
*W. Charles Smith, Elmira.....	6
*James D. Bell, Brooklyn.....	435
*J. R. Silliman, New York.....	600
*James H. McKenna, Brooklyn.....	3
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*Charles Thorpe, New York.....	13
*John Parsons, Kingsbridge.....	203
*Henry S. Redman, Rochester.....	84
J. J. McCloskey, Richmond Hill.....	560
*William Blasie, Albany.....	5
*John M. Beikert, New York.....	313
*F. E. Goldthwaite, New York.....	29
*Thomas Moore, New York.....	38
C. C. Caldwell, Canton.....	346
Henry Fera, New York.....	192
*Charles A. Shaw, New York.....	10

ALTERNATES.

*W. S. Bull (at large), Buffalo.....	2
*Henry W. Knight, New York.....	127
*D. S. Bennings, Plattsburg.....	366
Noah Tebbetts, Brooklyn.....	127
*W. J. Barry, Brooklyn.....	129
*John McGann, Buffalo.....	208
C. H. Bouton, Marathon.....	154
H. F. Fox, Geneva.....	94
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C. C. English, Corning.....	76
*F. A. Lamb, Cornwall-on-Hudson.....	543
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*William Ferguson, Troy.....	338
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*H. B. Oler, New York.....	307
Larry Crawford, Lowville.....	200
*J. C. Heney, Perth Amboy, N. J.....	163
H. A. Wiley, Springwater.....	518
B. F. Maguire, New York.....	75

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S. I. Moore, Grand Gorge.....	477
Chauncey B. Hodge, Prospect.....	39
J. B. Van Wie, Cossackie.....	127
S. N. Keener, Newark.....	99
Chris. Diehl, New York.....	552
B. A. Sperry, Mayville.....	308
George M. Moore, Mechanicville.....	619
Thomas Robinson, New York.....	578
M. E. Nangle, Albany.....	644
E. H. Risley, Utica	14
B. J. McGowan, Long Island City.....	283
L. Y. Miller, Olean.....	222
W. G. Carr, Schenectady.....	90
James Black, New York.....	394
J. O. Farrell, Wappingers Falls.....	88
A. J. Wager, Buffalo.....	542
George H. Taft, Waterville.....	23
P. H. Scott, New York.....	307
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General Orders and Circulars.

HEADQUARTERS DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
CAPITOL,
ALBANY, N. Y., *June 28, 1905.*

GENERAL ORDERS }
No. 1. }

I. Having been elected Commander of the Department of New York, G. A. R., and duly installed, I hereby assume command of the Department.

II. I can but repeat what I said at the Encampment. I am mindful of the honor and responsibility which has come by my election and am grateful for the confidence reposed in me by my Comrades. I need the assistance and fraternal help of every Comrade to make my administration successful. Whatever rivalry may have existed, it ended when the result of the ballot was announced, for in the discharge of the duties of my high calling, I shall earnestly endeavor to be fraternal and charitable to the Comrades and loyal to the order and the principles for which it stands.

III. I announce the following staff appointments:

Assistant Adjutant-General—Spencer W. Snyder, Post 671, Watervliet.

Assistant Quartermaster-General—Edward J. Mitchell, Post 60, Yonkers.

Judge Advocate—Lewis E. Griffith, Post 34, Troy.

Department Inspector—J. B. Lord, Post 394, New York City.

Chief Mustering Officer—Samuel McAuliffe, Post 409, Rochester.
They will be obeyed and respected accordingly.

IV. The attention of Post Commanders is directed to Section 2, Chapter 5, Article III, of the Rules and Regulations, which requires the forwarding of the semi-annual reports and the payment of the per capita tax on or before July 1, 1905. The necessity for prompt action in that regard must be apparent, when

the Department Commander is required to forward to the Quartermaster-General the Department reports and returns not later than July 15th. It is to be hoped that there will be no delinquents.

V. Address all communications respecting the business of the Department to the Department Commander, at Headquarters, Capitol, Albany, N. Y. All checks, drafts or money orders for the per capita tax or Post supplies must be made payable to the order of Edward J. Mitchell, Assistant Quartermaster-General, Department of New York, Grand Army of the Republic.

JAMES M. SNYDER,
Department Commander.

OFFICIAL:

SPENCER W. SNYDER,
Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
CAPITOL,
ALBANY, N. Y., *August 7, 1905.*

GENERAL ORDERS }
No. 2. }

Comrades of the Department of New York:

Words cannot express the sorrow of the Department Commander when the sudden and unlooked-for announcement came, that General Wilmon W. Blackmar, Commander-in-Chief of the Grand Army of the Republic, had passed away.

His death, at Boise City, Idaho, occurred Sunday, July 16, 1905. His visit to the west was on official duties.

The Comrades who attended the Department Encampment at Syracuse saw him, as they supposed, in the bloom of manhood, and listened to his glowing words of patriotism and encouragement. He expressed pleasure at being with the Comrades, and his desire to meet the Comrades of every Department under his jurisdiction. His remarks to the Comrades of the Department of New York on that occasion will long be remembered.

He was a distinguished soldier and an honored citizen. His death is a great loss to our order. We found him warm in friend-

ships, fraternal, modest and unassuming in his manner, generous and kind-hearted in his whole nature and unremitting in his labors for the success of our organization. He was indeed a Comrade beloved by all.

In compliance with General Order No. 9, from National Headquarters, all colors at Department and Post Headquarters will be draped for a period of ten days, and officers and comrades, when on duty, will wear their badges draped for a period of thirty days.

By Command of

JAMES M. SNYDER,

Department Commander.

OFFICIAL:

SPENCER W. SNYDER,

Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NEW YORK,

GRAND ARMY OF THE REPUBLIC,

CAPITOL,

ALBANY, N. Y., August 8, 1905.

GENERAL ORDERS

No. 3. }

I. The following itinerary has been carefully arranged by the Transportation Committee with the railroad officials for Headquarters train to Denver. The care and comfort for the Comrades, members of the Woman's Relief Corps, Ladies of the Grand Army of the Republic, their families and friends, who contemplate visiting Denver at the next National Encampment, which assembles in that city the week beginning September 4, 1905, have been particularly looked after.

Thanks are due the committee for their unremitting efforts in the very pleasant and acceptable arrangements made. An attractive and illustrated pamphlet will be forwarded to Commanders of Posts and to delegates and alternates for further information.

TOUR "A."

This tour has been arranged for delegates and their friends who desire to remain in Colorado for an indefinite period, making

20 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

their own arrangements for their return to the East. It includes a first-class railroad ticket to Denver and return, a double berth in Pullman sleeper to Denver, all meals going. Independent return. Schedule subject to slight change.

FRIDAY, SEPTEMBER 1.

Lv. New York, via W. S. R. R. (Foot W. 42d St.)	2.45 p. m.
" Newburgh	4.25 p. m.
" Kingston	5.20 p. m.
" Troy	4.30 p. m.
" Albany	5.30 p. m.
" Ravena	6.25 p. m.
" Rotterdam Junction.....	7.25 p. m.
" Utica	8.59 p. m.
" Syracuse	10.20 p. m.

SATURDAY, SEPTEMBER 2.

Lv. Rochester	12.05 a. m.
Ar. Buffalo	1.50 a. m.

Sleepers will be placed in Wabash Station, Buffalo, at 10 p. m., Friday evening, to receive members of the party arriving from points throughout the State not on the route of the special, and from Buffalo and vicinity.

Lv. Buffalo, via Wabash Railroad.....	2.00 a. m.
Ar. Detroit	7.30 a. m.
" Montpelier	10.05 a. m.

(It should be noted that this schedule includes a diverse route from this junction point.)

Ar. Chicago	3.50 p. m.
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Five hours of sightseeing.

Lv. Chicago, via Chicago & North-Western Ry.	9.10 p. m.
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SUNDAY, SEPTEMBER 3.

Ar. Boone	6.30 a. m.
" Omaha	11.00 a. m.

Four hours for sightseeing.

Lv. Omaha, via Union Pacific Railroad.....	3.00 p. m.
Ar. Columbus, Neb.....	6 p. m.
" Grand Island.....	8.45 p. m.
" Kearny, Neb.....	10.00 p. m.

MONDAY, SEPTEMBER 4.

Ar. North Platte.....12.30 a. m.

" Denver7.20 a. m.

PRICE OF TICKET FOR TOUR "A"

Which includes one first-class ticket to Denver and return via the official route, all meals after leaving Buffalo to Denver, transfers in Chicago, and one double berth in standard Pullman sleeper from points named below, or one double berth in tourist sleeper from Buffalo.

	Standard sleeper.	Tourist sleeper from Buffalo.
From New York.....	\$51 10	\$44 60
" Newburgh	50 55	44 05
" Kingston	50 45	43 95
" Troy	49 00	42 50
" Albany	49 00	42 50
" So. Schenectady.....	49 00	42 50
" Amsterdam	48 80	42 30
" Fultonville	48 55	42 05
" Utica	47 55	41 05
" Syracuse	46 50	40 00
" Rochester	45 40	38 90
" Buffalo	43 40	38 75

Correspondingly low rates from all other points throughout the State furnished on application.

PROGRAM FOR NATIONAL ENCAMPMENT, G. A. R.

MONDAY, SEPTEMBER 4.

Arrival and reception of departments, posts, women's auxiliary organizations, "Denver, 1905," clubs, distinguished guests, visitors, etc.

TUESDAY, SEPTEMBER 5.

Meeting of the Thirty-ninth National Encampment (legislative body) of the Grand Army of the Republic, at Broadway Theatre, 10 a. m.

Parade of Naval Veterans, the National Association of Union Prisoners of War, Association of Battle of Shiloh Survivors,

United States Troops, National Guard of Colorado and Wyoming, Spanish-American War Organizations, Sons of Veterans, High School cadets.

Grand reception by the National Woman's Relief Corps at Brown Palace Hotel to Commander-in-Chief John R. King, and all visiting comrades and friends.

WEDNESDAY, SEPTEMBER 6.

Grand Parade of the Grand Army of the Republic as set forth in general order of General John R. King, Commander-in-Chief. Column moves 10 a. m. sharp.

By seniority the Department of Colorado and Wyoming is the Twentieth Department, but being the entertaining department, and following the custom in all other cities, will take the left of the column or rear.

The National Organizations of the Woman's Relief Corps, Ladies of the Grand Army of the Republic, Ladies Relief Society, National Alliance Daughters of Veterans, National Association Sons of Veterans, the Society of Nurses of the Civil War, will meet at churches and halls now being arranged for on Thursday and Friday, September 7 and 8.

THURSDAY, FRIDAY, SATURDAY, SEPTEMBER 7, 8, 9.

Reunions will be held by about 75 different associations, such as army corps, divisions, brigades, battery and cavalry associations, regimental associations, battle of Shiloh and Gettysburg survivors, blockading squadrons, Berdan's Sharpshooters' Association, Veteran Signal Corps association reunion of colored veterans. These reunions will be held at City park, churches and halls now being arranged for and official time and place to be designated later.

NOTE.—In submitting this itinerary it will be noted that the Department has ignored dining car service, for the reason that a special train containing 125 to 150 people requiring three meals per day would necessitate 375 to 450 meals to be served each day. In view of the fact that the largest diner will only accommodate forty people at a sitting, it will readily be seen that it is practically impossible to serve this number of meals with any kind of satisfaction. The schedule is arranged so as to arrive at points

where good meals will be served at hotels and dining stations, giving forty to fifty minutes for each meal.

II. The following Aides-de-Camp on the Staff of the Department Commander are hereby announced and they will be obeyed and respected accordingly:

	POST.
Edward Heatherton.....	8
Henry D. Lynch.....	8
John H. Henry.....	13
Joseph Humphreys.....	13
Richard Esmond.....	24
Joseph H. Barker.....	29
Joseph Hyde.....	29
Albert Stark.....	32
Christ. Bange.....	32
Charles Johnson.....	35
Isaac H. Fuhr.....	38
Richard Smith.....	42
Chas. Brickwedel.....	44
Robert Walsh.....	44
Wm. Henderson.....	44
Geo. A. Drew.....	44
W. Millington.....	47
M. J. Cantwell.....	60
Lucas Hausler.....	62
Daniel Welde.....	62
Henry S. Free.....	95
Isaac Eckstein.....	67
T. S. Callendar.....	67
Patrick Doody.....	69
Mark White.....	69
Albert H. Rogers.....	75
H. J. Humphreys.....	75
R. H. Birmingham.....	77
Thos. Hamilton.....	77
George P. Osborne.....	79
John H. Tenant.....	79
John A. Butler.....	80
George J. O'Reilly.....	80

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	POST.
John Parks.....	84
Arthur Bostwick.....	84
Wm. E. VanWyck.....	100
S. G. Cook.....	100
John H. Eadie.....	112
Fred E. Fosdick.....	113
John Mooney.....	113
Isaac Adamsky.....	113
John Fricvy.....	113
Charles E. Foster.....	120
J. H. Kelley.....	121
Hiram Cornish.....	123
Thomas Hutchings.....	123
Roderic Byrum.....	123
Wm. J. Barry.....	128
Jacob Jacobs.....	128
John A. Murray.....	136
Owen J. Brady.....	140
George W. Petit.....	141
Charles A. Bundy.....	141
E. W. Mabie.....	143
Geo Schildwachter.....	143
Sumner A. Smith.....	144
John Mulligan.....	146
Wm. P. Kremer.....	146
J. C. Henry.....	163
F. J. Werneck.....	192
Henry Fera.....	192
Charles Schlect.....	192
J. Alexander.....	192
Gus Arnold.....	192
H. H. Brown.....	203
T. Evans.....	203
C. B. Hebble.....	203
George E. Bennett.....	234
Frank J. Downing.....	248
Samuel W. Carr.....	255
A. B. Adams.....	259

	POST.
A. D. Mohr.....	259
John Ritter.....	264
A. Bargebuhr	264
S. Hamburger	264
Gustav Alting	264
B. J. McGowan.....	283
Michael J. O'Donovan.....	307
J. A. Joel.....	307
Clark Curtis	326
Geo. Graves	368
James Hunt	376
William H. Hyler.....	378
S. D. Richardson.....	391
Josiah W. Jones.....	391
Dennis Clifford	394
Geo. R. Hendrickson.....	394
H. C. Britmer.....	394
Chas. Earl	402
Frederick Barwick	408
William Gorman	409
Charles Wilson	409
Robert McGuire	436
William Finley	436
J. Hammerschmidt	452
J. H. Chatfield.....	455
Andrew Boyd	458
E. W. Slocum.....	458
John Castles	458
John Campbell	458
E. B. Long.....	466
Thomas Taxter	496
Joseph Ferguson	509
P. L. Flynn.....	516
Wm. Churchill	516
John W. Crier.....	519
B. J. Bodine.....	524
Isaac Blackledge	552
Christian Diehl	552

	POST.
Samuel T. King.....	559
Geo. M. Barry.....	559
C. G. Williams.....	559
J. K. P. Garrison.....	559
W. V. G. Riblet.....	557
George Fancher	557
Frank Keegan	557
C. A. Martin.....	575
J. F. Nesbit.....	560
Wm. H. Pailes.....	578
James Shaw	578
M. S. Surre.....	578
Geo. W. Bainton.....	578
Edward Fitzgerald	578
Wm. Leggett	578
Robert Muir	578
A. C. Getten.....	587
A. B. Ostrander.....	600
E. B. Demarest.....	600
C. H. Liscom.....	600
J. R. Silliman.....	607
S. R. Johnson.....	607
R. B. Greenwood.....	607
S. J. Moore.....	619
Wm. J. Rooney.....	628
Wm. Bouton	628
Courtland Adams	671

III. It is with the profoundest sorrow that we record the departure of our late S. V. Department Commander, Comrade E. C. Parkinson. He was faithfully performing the duties of that office for the organization he loved so well when death occurred at Clifton Springs, N. Y., Monday, July 31st. His connection for many years with the Grand Army of the Republic; his loyalty to its precepts was whole-hearted and unfailing, giving largely and liberally of his time and often when he should have been in

bed; positive in his own convictions, yet conciliatory and considerate of the convictions and preferences of others.

His record as a soldier was of the first order and he was a Comrade of the type that makes the order strong and effective for good.

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IV. Information wanted: By Mrs. H. DeWinstanley, as to the whereabouts of her husband, a veteran of the Civil War, last seen at Glens Falls, on July 11, 1905. Any information will be gratefully received.

By James H. Kingsley, College Point, N. Y. Wishes to hear from any soldier of the 3d New York Volunteer Infantry.

By Command of

JAMES M. SNYDER,

Department Commander.

OFFICIAL:

SPENCER W. SNYDER,

Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
CAPITOL,
ALBANY, N. Y., *August 26, 1905.*

GENERAL ORDERS }

No. 4. }

I. The Department Commander hereby announces that owing to the attendance on the National Encampment to be held at Denver, Colo., the week commencing September 4, 1905, the Headquarters of the Department of New York, G. A. R., will be closed from September 1 until September 15, inclusive.

II. I wish to state that all information in relation to the National Encampment may be found in General Orders, No. 3, issued from this Department, and also in the "Itinerary of the Headquarters train," this itinerary having been sent to the Commander of every Post in this Department, also to all others interested who have applied for this information.

III. Comrade James Campbell, Post No. 458, New York City, is hereby appointed Senior Aide-de-Camp. He will be obeyed and respected accordingly.

This should have been announced in General Orders No. 3, but was unintentionally omitted.

IV. I take this opportunity of announcing to the Comrades of the Department of New York, that owing to the death of Senior Vice-Department Commander E. C. Parkinson, Junior Vice-Department Commander George E. Dewey advances to the office of Senior Vice-Department Commander.

V. The following appointments of Aides-de-Camp on the Staff of the Department Commander are hereby announced. They will be obeyed and respected accordingly.

	POST.
Wm. Elmendorf	28
I. P. Short	35
Isaac Shaw	43
Charles F. Fahl	141
Charles W. Van Court	170
H. F. Newhall	202
Edgar Schermerhorn	242
Wm. Garlich	242
Mathew Barnes	578
Richard M. James	578

VI. Information wanted.

By. R. H. Parks, No. 52 Railroad avenue, Patchogue, N. Y. If any Comrade of the G. A. R. knows in what Company and Regiment Lewis W. Ebel served in the Civil War—supposed to have served in a German Regiment from New York City.

John Walsh, late Co. E, 69th Regiment, New York Volunteers, who served under the name of John Middleton, wishes the name of any of his Comrades who served with him and knew of his disability. Address. John Walsh, Miners Hill, Minooka, Pa.

By Command of

JAMES M. SNYDER,

Department Commander.

OFFICIAL:

SPENCER W. SNYDER,

Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
CAPITOL,
ALBANY, N. Y., *October 9, 1905.*

GENERAL ORDERS }
No. 5.

I. The Department Commander hereby tenders his grateful acknowledgments to the Comrades of this Department for the support given him at the National Encampment, held at Denver, Colo., September 4th to 9th.

Words fail to adequately describe the magnificent display made by upwards of three hundred Comrades from the Department of New York; taking into consideration that the Comrades were nearly 2,500 miles from home, it speaks volumes for their energy and love of the Grand Army of the Republic.

And it is a source of the greatest pleasure to be able to announce that this Department obeyed the marching order to the very letter, namely: marching twelve abreast while in the great parade, and were specially commended and praised therefor by the National Commander-in-Chief, John R. King.

The Department Commander wishes also to extend his thanks for the support given him by his Aides in helping to form and keep the line in perfect order during the entire march of over two miles.

It certainly would not be fair to this Department to issue an order without pointing with pride to the great ovation given it the entire length of the line, by hosts who thronged the walks and cheered to the very echo the splendid line and correct marching of this Department.

All noted with satisfaction the personal ovation given our Comrade, James Tanner. So spontaneous and grand was it, that tears not only filled his eyes but came to most of the Comrades who were in line.

The thanks of this Department are extended to the Committee of Arrangements, especially to the Chairman, Comrade Geo. W. Cook, of Denver, who taxed his physical frame to its utmost tension in his exertion to help and assist everybody, and to his management must we accord the grand success of the 39th National Encampment.

It would be an inexcusable omission not to mention the generous disposition, the patriotic spirit manifested and munificence of Hon. Stephen Sanford, of Amsterdam, who made it possible for the members of E. S. Young Post, No. 33, of Amsterdam, to attend the Encampment at Denver in a body, and who contributed liberally for their comfort and entertainment during the trip. It is rare that so pronounced a manifestation of patriotism and respect for the men who participated in the struggle from '61-'65 is made. Post Young, being the only organized Post attending the Encampment from this Department, was assigned to the right of the New York Division in the parade.

II. The election of Comrade Edward H. Fassett, of Post 127, to be Junior Vice-Commander of this Department, at the meeting of the Council of Administration held at Headquarters on August 29, 1905, is hereby announced.

III. The appointment of Comrade Oscar D. Robinson, of Post 63, as Patriotic Instructor of the Staff of the Department Commander is hereby announced. He will be obeyed and respected accordingly.

IV. Dr. Benjamin F. Stephenson, of Springfield, Ill., former Surgeon of the Fourteenth Illinois Volunteer Infantry, is accredited as being the man who originated the idea and formed the organization known as the Grand Army of the Republic. No end of kind words have been spoken of Major Stephenson for the energy, loyalty and perseverance manifested by him in organizing the Grand Army of the Republic. It may be truly said of him that "he built wiser than he knew," for from the small beginning on April 1, 1866, this organization has spread and extended its membership and influence until it has become a power for good through the length and breadth of this great Republic. It has been deemed proper that something more than words should be ascribed to Major Stephenson and his efforts, and a few years ago it was projected that a monument should be erected to the memory of this great organizer; that should not only tell the story of his patriotic impulse, but would be a loving tribute from his Comrades whom this organization has so gently brought into a companionship that has at last melted into a common brotherhood.

The National Encampment has taken action to the end that the monument will be a living reality rather than a suggestion and

by its direction appeals have been made to the Posts in all Departments and contributions therefor have come in slowly, yet to such an extent as to make the monument a possibility. Posts in this Department have been appealed to and many of them have subscribed. The committee having charge of the erection of this monument have determined not to start the project until the money was pledged, for previous experiences have been painful. The sum required for the building and completion of the monument is about \$50,000. The committee report that there has already been subscribed about \$20,000.

At the Thirty-ninth National Encampment, at Denver, the subject of the Stephenson monument was again brought to its attention and a report made in detail of the sums subscribed and the subscribers thereto. The Department of New York has already contributed the sum of \$3,500, but this is not so great a sum as several other Departments have contributed, and as New York is the largest and strongest numerically, its subscription should at least be in keeping with its strength. While the matter was being discussed in the National Encampment at Denver, a conference of the delegates from this Department was had and the unanimous sentiment was, that New York should pledge itself for the payment of \$750 more. Acting in accordance with this suggestion, the Department Commander pledged this Department to the payment of that additional subscription.

Appeal is therefore made to the several Posts of this Department to renew the subscription already made and a stronger appeal is made to such Posts and Comrades as can afford to give and who have not yet subscribed. This subscription must be made by voluntary contributions of Posts and Comrades and it would seem that the purpose is so noble and lofty that it should not require a multiplicity of words to impress all of the necessity of liberal contributions. Upon the reading of this order it is respectfully suggested that the Commander of each Post shall put the question to the Post: "How much shall this Post subscribe for the Stephenson monument?" and when the Post has taken action thereon, communicate immediately with the Assistant Adjutant-General, at Albany, so that it may be known what further must be done to raise New York's share for the erection of this monumental tribute.

V. The attention of the Post Commanders is directed to the necessity of every Post having in its possession and for use of its members, a copy of the Rules and Regulations of this order, copies of which will be furnished by the Assistant Quartermaster-General for a few cents per copy. Hundreds of letters are received at these headquarters every year asking questions which might be answered readily if the Comrades had access to a copy of the Rules and Regulations. It should be borne in mind that these Rules and Regulations are amended in many important particulars by the National Encampment, nearly every year, and therefore the necessity of having a copy of the last edition must be apparent.

Attention is also directed to the Blue Book of 1904. This contains not only the written but the unwritten law of our order and should be accessible to every Comrade for his instruction and guidance. It is to be hoped that this will receive more than passing notice from the Post Commanders, as many controversies and unseemly disputes might be avoided if a copy of the Blue Book was at hand, which would interpret the law and set right those who desire to go in that direction.

VI. Upon the recommendation of the Department Inspector, the following Comrades are appointed as County Inspectors, or Assistant Inspectors. The Department Inspector especially recommends that the Post Inspections take place during the months of October and November, as far as practicable, and not on the night of the Post election, as such interferes with the Post business. All reports are to be forwarded to the Department Inspector, Colonel Joseph B. Lord, 182d street and Webster avenue, New York City.

COUNTY INSPECTORS.

Albany and Schenectady—W. A. Wallace, Post 63.

Allegany—P. C. Scovell, Post 237.

Broome—A. A. Lord, Post 30.

Canada—Daniel Kappele, Post 472; Chas. J. Ashton, Post 652;

• Thos. Hughes, Post 532.

Cattaraugus—L. Y. Miller, Post 222.

Cayuga—Martin Myers, Post 494.

Chautauque—E. A. Curtis, Post 403.

Chemung—Frank P. Frost, Post 6.

Chenango—Geo. W. Paine, Post 83.
Clinton—Frank Madden, Post 366.
Columbia—W. Salisbury, Post 171.
Cortland—C. H. Bouton, Post 154.
Delaware—J. K. Hood, Post 142.
Dutchess and Putnam—H. B. Hoss, Post 331.
Erie—Coler H. Stowits, Post 9.
Essex—H. M. Mould, Post 484.
Franklin—F. H. Cramer, Post 284.
Fulton—Thos. Purcell, Post 17.
Genesee—O. F. Geer, Post 396.
Greene—J. B. Van Wie, Post 27.
Hamilton and Warren—M. N. Dickinson, Post 558.
Herkimer—B. Lane, Post 19.
Jefferson—L. C. Greenleaf, Post 323.
Kings—W. C. Plum—Post 197.

ASSISTANT INSPECTORS FOR KINGS COUNTY.

Edward Fahey, Post 16, to inspect Post 3.
Henry A. Phillips, Post 89, to inspect Post 10.
Peter D. Myer, Post 187, to inspect Post 11.
Henry A. Draper, Post 148, to inspect Post 16.
Albert W. Dougherty, Post 185, to inspect Post 21.
Geo. B. Staley, Post 443, to inspect Post 28.
Carman A. Robinson, Post 11, to inspect Post 35.
Norman G. Cooper, Post 355, to inspect Post 89.
William Bush, Post 152, to inspect Post 122.
Benj. E. Conlon, Post 231, to inspect Post 148.
Louis Finkelmeier, Post 122, to inspect Post 152.
Joseph Josephs, Post 89, to inspect Post 161.
Henry R. Mayette, Post 21, to inspect Post 185.
John H. Thomas, Post 206, to inspect Post 187.
Wm. A. Heaton, Post 233, to inspect Post 197.
Samuel E. Burr, Post 28, to inspect Post 206.
Geo. A. Hussey, Post 197, to inspect Post 207.
Geo. F. Higgins, Post 233, to inspect Post 231.
John R. Thompson, Post 362, to inspect Post 233.
Alfred Wilson, Post 10, to inspect Post 286.

Wm. H. Davis, M. D., Post 500, to inspect Post 327.
 R. H. LeHommedieu, Post 286, to inspect Post 355.
 Wm. S. Bevans, Post 499, to inspect Post 362.
 James P. Holland, Post 10, to inspect Post 399.
 Robert H. Fargue, Post 35, to inspect Post 435.
 John R. Kimball, Post 399, to inspect Post 443.
 T. E. Smith, Post 669, to inspect Post 499.
 Wm. B. Price, Post 435, to inspect Post 500.
 Richard F. Butts, Post 327, to inspect Post 534.
 John F. McFarlane, Post 207, to inspect Post 620.
 John P. Frederick, Post 161, to inspect Post 669.
 Lewis—Reuben Kline, Post 385.
 Livingston—C. H. Miner, Post 459.
 Madison—Wm. Taylor, Post 49.
 Monroe—James A. Hard, Post 391.
 Montgomery—Jos. Wilson, Post 33.
 Nassau—G. Kellogg, Post 527.
 New York—Joseph B. Lord, Department Inspector, to inspect
 Posts 38, 42, 103, 140, 203 and 607.

ASSISTANT INSPECTORS FOR NEW YORK COUNTY.

Philip W. Yung, Post 32, to inspect Posts 62, 264 and 452.
 Isadore Isaacs, Post 557, to inspect Posts 67 and 135.
 John A. Murray, Post 136, to inspect Posts 75 and 79.
 E. V. Coursen, Post 259, to inspect Posts 80 and 578.
 Wm. Finley, Post 436, to inspect Posts 234 and 255.
 James Spear, Post 182, to inspect Posts 143 and 559.
 Frederick L. Schaefer, Post 24, to inspect Posts 69, 408 and 552.
 Chas. Innes, Post 77, to inspect Posts 146 and 394.
 Wm. J. Barry, Post 128, to inspect Posts 24 and 29.
 Howard Whitney, Post 578, to inspect Posts 259 and 600.
 B. F. McGuire, Post 75, to inspect Posts 307 and 313.
 A. J. Gilman, Post 516, to inspect Posts 77 and 402.
 Geo. Drew, Post 44, to inspect Posts 113 and 330.
 Gustav Altling, Post 264, to inspect Posts 32 and 192.
 Milton Surre, Post 578, to inspect Posts 96 and 136.
 H. H. Brown, Post 203, to inspect Posts 182 and 557.
 Samuel K. Schwenk, Post 79, to inspect Posts 8 and 13.

Chas. E. Morse, Post 394, to inspect Posts 100 and 436.

Chas. Just, Post 80, to inspect Posts 458 and 516.

James Campbell, Post 458, to inspect Posts 44 and 128.

Niagara—Geo. Humphreys, Post 349.

Oneida—W. LaFayette Ames, Post 14.

Onondaga—Adam Smith, Post 66.

Ontario—H. L. Hutchins, Post 162.

Orange—A. B. Wheeler, Post 266.

Orleans—Wm. A. Cobb, Post 114.

Oswego Wm. Schrader, Post 418.

Otsego—S. G. Swift, Post 15.

Queens—E. M. Laws, Post 560.

Rensselaer.—J. E. Vandenburg, Post 141.

Richmond—Bernard Mullen, Post 524.

Rockland—O. H. Scott, Post 82.

St. Lawrence—G. S. Conger, Post 156.

Saratoga—Geo. R. Moore, Post 619.

Schoharie—T. Rockwell, Post 157.

Schuyler—Geo. M. Post, Post 22.

Seneca—Abram M. Schott, Post 72.

Steuben—E. A. Sturtevant, Post 277.

Suffolk—G. Buckingham, Post 656.

Sullivan—M. N. Dodge, Post 293.

Tioga—T. S. Gross, Post 59.

Tompkins—W. A. Herrington, Post 41.

Ulster—E. H. Fassett, Post 127.

Washington—John Dwyer, Post 587.

Wayne—Henry B. Knowles, Post 193.

Westchester—Geo. L. Hughson, Post 95.

Wyoming—W. B. Tallman, Post 101.

Yates—H. V. L. Jones, Post 71.

VII. The Department Commander requests that the Assistant Inspectors named shall at once notify Joseph B. Lord, Department Inspector, of their acceptance, and when their inspection is complete, shall transmit the same promptly to the Department Inspector.

VIII. To the Post Quartermasters of this Department:

By a late ruling of the Post Office Department, the following supplies have been considered as merchandise instead of printed

matter: Adjutant's Book of Minutes, Post Orders and Resolutions, Descriptive Book, Roll of Members, Cash Book and Ledgers. The Assistant Quartermaster-General suggests that when ordering any of the above supplies, that they have them sent by express, charges collect, as it would be cheaper than having them sent by mail as merchandise.

IX. The following Comrades have been appointed Aides-de-Camp on the Staff of the Department Commander and will be obeyed and respected accordingly:

	POST.
S. Millington	47
Henry Schlosser	128
Hamilton D. Beam.....	128
M. J. Hennessy.....	162
W. J. Boothe.....	162
H. S. Bement.....	162
G. R. West.....	162
William Gulick	242
Albert N. Barker.....	270
Wm. H. Bates, M. D.....	327
George W. Keeler.....	327
Frederick M. Stratton.....	355
Robert Bemish	391
O. T. Hubbell.....	409
William C. Tice.....	514
Nicholas Russell	514
Richard M. James.....	578
Samuel Sexton	671

Commissions will only be sent to Aides-de-Camp who signify their acceptance in writing to these Headquarters, and in doing so it is essential that they mention their town, county and number of Post.

The Department Commander requests all Aides-de-Camp upon his Staff to secure the proper badge of their office, by applying to the Assistant Quartermaster-General, Col. E. J. Mitchell, Capitol, Albany.

IN MEMORIAM.

X. Announcement is made of the death of the following Comrades:

Comrade Patrick H. Murphy, Commander of Lafayette Post, No. 140, Department of New York, G. A. R., died at New York City, August 28, 1905.

Comrade Murphy's death is an irreparable loss to his Post and the order. He was a citizen for whom the community in which he lived felt the highest regard. He was not only a cultured gentleman, not only a warm-hearted, broad-minded and clear-headed man, but he was a genial Comrade and an enthusiastic and efficient worker in, and for the advancement of the principles of the Grand Army of the Republic. He will be missed throughout the Department of New York.

The sad intelligence has reached these Headquarters of the death of Comrade Alexander R. Penfield, of J. D. O'Brien Post, No. 65, Oswego.

Comrade Penfield entered the Union Army as a private in Co. C, 24th Regiment, New York Volunteer Infantry, and rose to the rank of second lieutenant. He subsequently joined the 147th Regiment, New York Volunteer Infantry, and rose from the rank of first lieutenant to major. He served with his regiment in all its engagements and was severely wounded in the Battle of the Wilderness.

Comrade Penfield's service in the Grand Army of the Republic was no less distinguished than his army service. For many years he was prominent in the affairs of this Department, and has served as Assistant Adjutant-General, a member of the Council of Administration and at our last Encampment received a flattering vote for the office of Senior Vice-Commander.

Major Penfield was classed in the community in which he lived as a good citizen, who had won the respect and confidence of all who knew him. He was genial and gentle to all, yet carried with him a force of character which commanded attention.

XI. Information wanted.

- By John H. Batton, who is very desirous to get in touch with any of the commissioned officers of the 17th Yew Vork Volunteer Infantry, especially those of Co. E. Address, John H. Batton, San Antonio, Texas.

Information is desired by D. W. Mullen, No. 132 College avenue, Annapolis, Md., of the widow or surviving relatives of Capt. William Barrymore, who served in the U. S. Navy and died in Stamford, Conn., on January 24, 1890.

The address of James O'Connell, formerly of New York City, late of Co. F, 170th Regiment, New York Volunteers, is desired by P. J. Lockwood, Washington, D. C.

Information wanted from any member of Co. A, 55th Regiment, New York Volunteers, who remembers Adam Ebert of that company, by his wife, who desires to secure a pension. Address, Barbara Ebert, No. 785 Third avenue, New York City.

Information wanted as to the whereabouts of James Garvis, late of the 185th Regiment, New York Volunteers, who left the Soldiers' and Sailors' Home in Bath, October, 1902. Please address Mary H. MacKenzie, Garvie's Point, Glen Cove, N. Y.

By Command of

JAMES M. SNYDER,

Department Commander.

OFFICIAL:

SPENCER W. SNYDER,

Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
CAPITOL,
ALBANY, N. Y., *December 18, 1905.*

GENERAL ORDERS }
No. 6. }

I. The Department Commander desires to impress upon Post Commanders the fact that they will be held responsible for the prompt forwarding of all reports to Department Headquarters and that their personal attention is directed to properly filling

out blank Report A and B, so that the report will not have to be returned for correction.

II. All money orders, checks and drafts for per capita tax must be made payable to Col. E. J. Mitchell, Assistant Quartermaster-General, and forwarded to Spencer W. Snyder, Assistant Adjutant-General.

III. The Department Commander notes with pleasure that in his recent visits to Posts, reunions and other gatherings of the G. A. R., the interest manifested by the large number of Comrades who were present on such occasions and suggests that these reunions be held more frequent, and those who were once members of the order, and those who have never joined be invited to become Comrades with us.

IV. All reports to Department Headquarters must be received by the Assistant Adjutant-General not later than January 15, as the report to National Headquarters must be in the hands of the Adjutant-General by January 20th, and the report will have to be consolidated and compiled by the Assistant Adjutant-General so as to reach National Headquarters at the time designated. All Posts whose reports are not at these Headquarters by January 20th, will be considered delinquent.

V. The attention of Post Commanders is called to the recapitulation column of Report A and B. The number stamped at the head, denoting the number in good standing June 30, 1905, *must in no case be altered*; any difference must be accounted for in the column *lost or gained*. This is most important from the fact that from this report the allotment of representatives will be made up for the Next National Encampment for this Department.

Post Surgeons should forward their reports promptly to Col. William Taylor, Medical Director, for on this important report the mortuary statistics of the Department are formulated and compiled. Care should be taken in filling out this blank.

VI. The Department Commander views with sorrow the large number of Comrades suspended in the six months ending June 30, 1905, presumably for non-payment of dues. This should not be when it is possible to avoid it. A great many Comrades in the G. A. R. are old and needy and cannot pay their dues. In the case of worthy Comrades, the Post should *always* remit their dues

and not deprive them of the enjoyment of an association with the Grand Army of the Republic.

VII. The following announcement is made: Comrade O. T. Hubbell, Aide-de-Camp on the Department Commander's Staff, was described as belonging to Post No. 409—it should have been to Post No. 270.

The Assistant Inspector for Rensselaer County's name was given as T. E. Vandenburg, Post 141—should have been John E. Vandenburg.

VIII. William A. Peet was by sentence of a court martial dismissed from Post 89. Subsequently the Post by its unanimous action petitioned the Commander-in-Chief to remit said sentence. This petition was approved by the Department Commander and on October 14, 1905, by order of the Commander-in-Chief, the sentence was remitted, which action restored William A. Peet to membership in the order.

IX. Attention having been called to the case of one Alexander R. Edghill, who obtained admission to F. M. Leonard Post No. 525 by fraud and false statements, claiming to be a private of Co. F, 14th Regiment, New York Volunteers. On investigation it was established that he never was a soldier, not having been mustered into the military or naval services of the United States. His name was stricken from the roll of F. M. Leonard Post No. 525, by Special Order No. 3, of these Headquarters.

X. The following additional Aides-de-Camp have been appointed upon the staff of the Department Commander; they will be obeyed and respected accordingly:

	POST.
Benjamin Adriance	327
J. A. Andrews.....	380
Henry Bennit	34
John Bingeman	2
John Britting	2
Daniel J. Cary.....	34
Harrison Clark	396
A. J. Cooper.....	98
Cornelius Coutant	644
Henry A. Cozzens.....	327
John G. Danio.....	2

	POST.
George Deitz	2
Charles E. Dorman.....	9
William H. Fricke.....	286
Samuel Gason	458
J. Milton Gibbs.....	412
Edward Glover	500
Edwin P. Goodell.....	409
Albert Krause	2
James Larkin	236
Richard W. L'Hommedieu.....	286
R. A. Moon.....	98
John Murphy	327
Thomas H. Notter.....	9
Robert Parks	34
Samuel W. Pooley.....	2
J. A. Seekins.....	246
Jacob Schmahl	2
James O. Spencer.....	380
John Walton	500

Commissions will be issued to Aides-de-Camp only who signify their acceptance in writing to these Headquarters, plainly stating the town or city and county in which they reside and the number of the Post to which they belong.

The Department Commander requests all Aides to procure the proper badge of their office, from Col. E. J. Mitchell, Assistant Quartermaster-General, Capitol, Albany.

XI. The Department Commander again calls the attention of the Comrades to the necessity of their prompt and generous action for contributions for the building of the monument to be erected as a memorial to Benjamin F. Stephenson, the originator and founder of the Grand Army of the Republic. At the National Encampment at Denver, the Department of New York was pledged to contribute an additional \$750. The appeal for funds to pay this sum made in a previous order has met with but few responses and less than one-half the required sum has been contributed. The pledging of the additional amount was not the personal act of the Department Commander; it was the direction

of the delegates from this Department, and the Commander but expressed the will of the delegation. It is a matter of honor with us to see that the \$750 is paid, and that without unnecessary delay.

It does seem that no Post is so poor that it cannot contribute at least one dollar for a purpose so noble as this, and to refrain from assisting the Department in its present embarrassment is to turn a deaf ear to a cry of distress. The Department Commander earnestly requests all Posts which have not contributed to the Stephenson monument fund, to do so at once, even if such contribution does not exceed one dollar.

To all Posts which contributed on the first call and not on the second, consider your ability and give us according to your means.

An appeal is made to all the Comrades to assist in this matter, to the end that the Department of New York shall not be delinquent.

XII. The following Comrades are hereby appointed members of the Committee on Legislation: Lewis E. Griffith, Post 34; John C. Shotts, Post 60; John S. Maxwell, Post 33.

All matters of legislation which shall be presented to the Legislature of this State during the session of 1906, will be entrusted to the care of this committee. All communications respecting proposed legislation affecting veteran soldiers or sailors should be sent to the Assistant Adjutant-General at Albany, who will bring the same to the attention of the committee.

XIII. Information wanted:

Address of Bugler, Co. D, 17th U. S. Infantry, 2d Brigade, 2d Division, 5th Army Corps, "Sykes Regulars"—his name Michael Fisher or Fischer, by one Matt F. Kippax, Past Commander Kearney Post No. 55, Department of Pennsylvania.

Patrick Kearney, a native of Rochester, was drafted in 1863; nothing known as to his muster or service. Information wanted by the Grand Army Relief Committee, of Rochester, N. Y., D. S. Barber, Secretary.

Any Comrade who knew Michael Dolan, enlisted August 2, 1864, at Troy. Private, Co. E, 125th Regiment, New York Volunteers. Transferred to Battery H, 4th New York Heavy Artillery, as Patrick Dolan, June 25, 1863; nothing more known. Information desired by Susie E. Pressler, Toledo Ohio.

The present address of any shipmates who served on the Iroquois who knew William Cluff, who served on the Iroquois U. S. S. from May 23, 1864, to October 3, 1865. Address Comrade Wm. C. Farley, No. 562 Grand street, New York City.

Henry Oglesby, Soldiers' Home, Bennington, Vt., is desirous of having the address of any of his old comrades who served in Co. E, 71st Regiment, New York Volunteers, "Excelsior Brigade." Enlisted at Orange, N. J., in 1861.

Any Comrade who knew John R. Miller, who enlisted in Co. A, 139th Regiment, New York Volunteers—for pension purposes. Address P. J. Lockwood & Co., Washington, D. C.

Address of Captain George Durye, Private McGeerey or any other member of Co. C, 5th Regiment, New York Zouaves. The name or names are wanted by Charles Coburn, alias Adolph Goble, who served in said company. He requires testimony for pension purposes. Address J. Jewell & Co., Pueblo, Colo.

Any Comrade of the 1st New York Infantry who remembers Silas Finney, Co. G, of that Regiment. Enlisted December 31, 1861. Wounded at Charles City Cross Roads. Discharged for disability December 3, 1862. This information is wanted to enable his widow to secure a pension. Address Mary A. Williams, Oneonta, N. Y.

By Mrs. A. T. Wendt, No. 58 Spring street, Albany, of the whereabouts of one John J. Hogan, formerly of the U. S. Navy.

Mrs. Sadie Gray Hubbard, No. 4912 Frankford avenue, Philadelphia, has in her possession a second lieutenant commission in 2d Regiment, New York Volunteer Artillery, issued to Robert D. S. Mortimer. She wishes to hear from any of his family so as to return it.

As to the whereabouts of Dennis Neville, enlisted in Co. B, 56th New York Infantry, at Goshen, N. Y., August 13, 1864; mustered out at Charleston, S. C., July 16, 1865. By Mrs. Neville, 2168 Seventh avenue, New York City.

By Command of

JAMES M. SNYDER,

Department Commander.

OFFICIAL:

SPENCER W. SNYDER,

Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
CAPITOL,
ALBANY, N. Y., *February 27, 1906.*

GENERAL ORDERS

No. 7.

I. At a meeting of the Department Council of Administration, held at Headquarters in Albany, January 23d, the 13th, 14th and 15th days of June, 1906, were selected as the time, and Saratoga Springs as the place for holding the next Annual Encampment of this Department. Full particulars as to railroad fares, hotel rates, and the location of Department Headquarters, will be published in a subsequent order.

II. Department Chaplain Augustus W. Green, having resigned as Chaplain owing to his removal outside of the jurisdiction of the Department, it was accepted and Rev. Asher Cook, of Middle Grove, was elected by the Council of Administration to fill said vacancy.

III. Owing to the death of Junior Vice-Department Commander Edward H. Fassett, which occurred December 29th, the vacancy was filled by the election of Daniel J. O'Brien, Past Commander of Post No. 121, Albany.

IV. Commanders of Posts are requested to give their attention to the filling out properly and forwarding promptly the mortuary blank which accompanies this order; this report shall be directed to the Department Chaplain, Rev. Asher Cook, Middle Grove, Saratoga county, N. Y.

V. The attention of Post Commanders is called to General Orders, Nos. 5 and 6, issued from these Headquarters, in the matter of the *Stephenson Monument Fund*. Subscriptions are coming in slowly; quite a number of Posts have not given anything as yet to this administration. The Department Commander wishes every Post Commander, as a matter of pride, to urge upon them that it is an honor to be on the roll of contributors to the monument for the founder of the Grand Army of the Republic.

VI. The following Comrades have been appointed as additional Aides upon the Staff of the Department Commander. They will be obeyed and respected accordingly:

	POST.
P. V. L. Purdy.....	420
Chas. M. Lederer.....	542
H. W. McCoon.....	483
John W. Dwyer.....	516
J. L. Peck.....	33
Edward Kennedy	516
Thomas Hassett	516
Edward Corwin	516
Joseph S. Bollman.....	542
Robert B. Murray.....	82

Comrades so appointed will signify their acceptance in writing to these Headquarters; to such only will commissions be issued. They are expected to be active and zealous in promoting the interest of the Grand Army of the Republic.

VII. Comrades of Posts in this Department are reminded that *all* communications relating to their Posts must be sent to the Department Commander or the Assistant Adjutant-General, through their Post Commanders. This military usage must be observed.

VIII. April 16, 1906, is the Fortieth Anniversary of the Grand Army of the Republic. It has been said by those outside the order, "The greatest Veteran Organization in the world," and founded on the sublime principles of Fraternity, Charity and Loyalty. Comrades, our fraternal organization, whose special aim is to perpetuate the patriotic memories of the great struggle to preserve the Union, to cement more closely the ties of comradeship born of battle, to care for the widows and orphans of those who died in defense of the flag, its birth should be fittingly observed. The Department Commander therefore would suggest that so far as possible, the Posts of cities, or if it can be so arranged, the Posts of counties, join together in the ceremonies attending the Fortieth Anniversary of our beloved order, thereby cementing the fraternal bond that unites us, drawing in closer touch, and by that touch so weld the chain of Comradeship that it cannot be broken until God in His wisdom shall break it and order us in to final camp.

IX. The following named Comrades have been appointed Assistant Patriotic Instructors in their respective counties. Post Commanders are earnestly requested to consult with these Patriotic Instructors and co-operate with them in seeking to interest the

teachers and pupils of the schools of the county in properly observing, with appropriate exercises, all the patriotic holidays, and more especially February 12, February 22, May 30 and June 14.

ASSISTANT PATRIOTIC INSTRUCTORS.

COUNTIES.

- Albany—Comrade William R. Eastman, Post 63, Albany.
- Allegany—Comrade George B. Herrick, Post 333, Whitesville.
- Broome—Comrade O. A. Kilmer, Post 108, Binghamton.
- Cattaraugus—Comrade James O. Spencer, Post 380, Salamanca.
- Cayuga—Comrade Frederick Cossum, Post 37, Auburn.
- Chautauqua—Comrade E. A. Curtis, Post 403, Fredonia.
- Chemung—Comrade Charles H. Freeman, Post 276, Corning.
- Chenango—Comrade D. W. Crumb, M. D., Post 456, South Otselic.
- Clinton—Comrade Frank Madden, M. D., Post 366, Plattsburg.
- Columbia—Comrade James W. Moon, Post 138, Hudson.
- Cortland—Comrade M. E. Corwin, Post 98, Cortland.
- Delaware—Comrade J. K. Hood, Post 142, Delhi.
- Dutchess—Comrade George Tremper, Post 104, Rhinebeck.
- Erie—Comrade George H. Stowits, Post 9, Buffalo.
- Essex—Comrade S. G. Bryant, Post 252, Ticonderoga.
- Franklin—Comrade H. J. Merriam, Post 213, Malone.
- Fulton—Comrade J. Keck, Post 242, Johnstown.
- Genesee—Comrade H. F. Tarbox, Post 299, Batavia.
- Greene—Comrade B. W. Grant, Post 514, Catskill.
- Hamilton—Comrade W. D. Jennings, Post 531, Long Lake.
- Herkimer—Comrade Hon. J. W. Vrooman, Post 404, Herkimer.
- Jefferson—Comrade L. C. Greenleaf, Post 323, Watertown.
- Kings—Comrade Hon. Charles Cotton, Post 197, 196 Greene avenue, Brooklyn.
- Lewis—Comrade H. E. Turner, Post 200, Lowville.
- Livingston—Comrade H. A. Wiley, Post 518, Springwater.
- Madison—Comrade W. Taylor, Post 49, Cazenovia.
- Monroe—Comrade S. McAuliffe, Post 409, Rochester.
- Montgomery—Comrade J. S. Maxwell, Post 33, Amsterdam.
- New York—Comrade Wilbur F. Brown, Post 140, 326 W. 83d street, New York.
- Niagara—Comrade Otis Hayes, Post 349, Hartland.

Oneida—Comrade Frank Z. Jones, Post 419, Rome.
Onondaga—Comrade W. H. Scott, Post 151, Syracuse.
Ontario—Comrade E. D. Copp, Post 7, Clifton Springs.
Orange—Comrade A. B. Wilbur, Post 301, Middletown.
Orleans—Comrade G. W. Sweet, Post 298, Kendall.
Oswego—Comrade G. P. Matterson, Post 65, Oswego.
Otsego—Comrade A. Walling, Post 119, Oneonta.
Putnam—Comrade F. Wells, Post 302, Brewsters.
Queens—Comrade E. V. Brown, Post 50, Flushing.
Rensselaer—Comrade E. A. Fry, Post 338, Troy.
Richmond—Comrade B. J. Bodine, Post 524, Port Richmond.
Rockland—Comrade H. E. Smith, Post 82, Nyack.
St. Lawrence—Comrade W. H. Daniels, Post 354, Ogdensburgh.
Saratoga—Comrade O. P. Clark, Post 498, Wilton.
Schenectady—Comrade W. G. Caw, Post 90, Schenectady.
Schoharie—Comrade D. Norwood, M. D., Post 157, Esperance.
Schuyler—Comrade G. M. Post, M. D., Post 22, Montour Falls.
Seneca—Comrade I. B. Race, Post 78, Seneca Falls.
Steuben—Comrade Chas. H. Freeman, Post 276, Corning.
Suffolk—Comrade P. D. Leys, M. D., Post 654, Roslyn.
Sullivan—Comrade J. W. Davis, Post 347, Livingston Manor.
Tioga—Comrade Darius Cortwright, Post 342, Berkshire.
Tompkins—Comrade Charles Tyler, Post 41, Ithaca.
Ulster—Comrade O. B. Seaman, Post 191, Ellenville.
Warren—Comrade S. J. Taylor, Post 422, Caldwell.
Washington—Comrade John Dwyer, Post 587, Sandy Hill.
Wayne—Comrade S. N. Keener, Post 99, Newark.
Westchester—Comrade H. E. Rhodes, Post 170, Mt. Vernon.
Wyoming—Comrade I. Sam. Johnson, Post 130, Warsaw.
Yates—Comrade C. N. McFarren, Post 93, Penn Yan.

IN MEMORIAM.

X. It is with profound sorrow that the Department Commander announces to the Comrades of this Department the death of Junior Vice-Department Commander Edward H. Fassett, who died at Kingston, December 29, 1905, after a short illness.

His death came as a great shock to this Department, as he was just on the threshold of a career which promised much good to

our order. He was a Comrade of strong will and decided opinions, but he was always eager to say and do what seemed to him right. His decisions were always the result of careful consideration. How thoroughly his interest in the Grand Army of the Republic was appreciated, was shown by the Council of Administration electing him Junior Vice-Department Commander.

Comrade Fassett, in passing from among us, left behind him a record which would reflect honor upon any soldier, and of which the Comrades of this Department are justly proud.

As a soldier he was faithful; as a citizen blameless; as a friend he was brave and constant. Regarding the welfare of his Comrades above his own was one of his characteristics, making all who knew him love him. A genial Comrade and zealous worker has passed away.

XI. Information wanted:

Of Andrew Stevens, Co. A, 24th New York Cavalry, formerly of Caughdenoy, Oswego county, N. Y., who after the war went to New York City and was a canal boatman, by Martha Stevens, Naples, N. Y.

The names and addresses of any members of Co. G, 1st Regiment, New York Cavalry (Lincoln's), who were in service in 1864-5, in order to assist another member of said company in getting a pension. Henry A. Phillips, 13 Willoughby avenue, Brooklyn, N. Y.

The address of Captain Bregan, Co. L, 4th New York Cavalry, and Corp. Michael Foley, of the same company and regiment, by John Anderson, 16 Congress street, Lynn, Mass.

The names and addresses of any members of Co. E, 193d New York Volunteer Infantry, by S. A. Frear, 136 South Perry street, Spokane, Wash.

The address of Henry Beers, a member of the Department of New York, G. A. R., by Mrs. A. M. Doremus, 28 Charles street, New York City.

By Command of

JAMES M. SNYDER,

Department Commander.

OFFICIAL:

SPENCER W. SNYDER,

Assistant Adjutant-General.



GEORGE E. DEWEY,
Senior Vice Department Commander.



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HEADQUARTERS DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
CAPITOL,
ALBANY, N. Y., *April 24, 1906.*

MEMORIAL DAY.

GENERAL ORDERS

No. 8.

Early in May, 1868, the idea of Memorial Day had its birth. It was suggested that the Grand Army of the Republic inaugurate such an observance in memory of the Union dead. Those in authority accepted the suggestion and thought it most opportune. It was at that time happily instituted, and is more earnestly and loyally carried out as the years come and go. To-day the beautiful custom of decorating graves, and the loving and patriotic lessons drawn therefrom have become almost, if not a universal custom.

Therefore, in compliance with the usual custom of our order, so beautifully inaugurated, the Commander calls attention to the approaching 30th of May, designated as Memorial Day.

The sacred memories and hallowed associations of the past are recalled as we place the beautiful flowers of Springtime, and otherwise decorate the passionless mounds, thereby renewing our pledges of patriotic love and devotion to our heroic dead. "Their days of trial and victory are passed, but memory causes them to live forever in the eternal—now."

No day in the veteran calendar is more important or more faithfully observed, or that expresses more fully his loyalty to the honored dead.

The quiet of a Sabbath should attend every gathering. It is a time when we can impress upon the minds of the young and old alike that the day should be kept sacred and free from the usual customs of the ordinary holiday. The inspiration derived from these solemn services, and the peculiar fitness in showing respect for the dead, should be made as impressive as possible, that the rising generation may grow up in the knowledge of the sacrifices made and the dangers endured to preserve the Union, and as a fitting tribute of respect to the memory of our country's slain defenders, the going and coming should be in a reverent

spirit, that conviviality, that vandalism of neglect, and all amusements be omitted on the day of the "Festival of the Dead."

Memorial Sabbath occurs this year May 27th. Post Commanders should arrange for the assembling of their Commands in their various headquarters to attend divine service at church; invitations should be extended to all veterans to attend these services and those of Memorial Day.

While it is our privilege to lead in the beautiful custom, care should be taken that all who desire may participate. Posts are urged to invite the Woman's Relief Corps, Ladies of the G. A. R., Daughters of Veterans, Sons of Veterans and other kindred societies, the clergy, children of public schools, and citizens generally, to join with us in these patriotic services.

In accordance with General Orders from National Headquarters, the reading of Lincoln's Address at Gettysburg should be a part of the exercises.

Post Commanders should see to it that, just previous to Memorial Day, the public schools are visited by Veterans, thereby showing our appreciation of the children's loyalty to flag and country, by taking part in the patriotic exercises.

Finally, Comrades, on all occasions, particularly on this, let the sentiment of fraternity be abroad, let the charity our order teaches—that which comes from the heart—manifest itself, and in the spirit of true comradeship, observe and respect this sacred day, for by so doing we will show our loyalty, both to the living and the dead.

The Commander, having received the following poem, entitled: "Memorial and Flag Day Song," by the Rev. Edward A. Collier, D. D., Kinderhook, N. Y., and which he dedicated to the Grand Army of the Republic, will be read and appreciated by the Comrades of this Department, not only for the patriotic sentiment so beautifully expressed throughout the entire song, but also the author's manifested interest in, and his kind remembrance of, our order.

MEMORIAL AND FLAG DAY SONG.**Music—Lauriger Horatius.***Respectfully Dedicated to the G. A. R.*

O God of nations, unto Thee
We sing our glad hosanna.
For by Thy favor are we free,
The Stars and Stripes our banner.
The sun, in circling round the world,
The stars that watch above it,
Behold no fairer flag unfurled,
Nor wonder that we love it.

Its thirteen stars shone one by one,
With faint illumination;
But sun was added unto sun,
Till now, a constellation!
Its stripes bespeak the blood and tears
Our priceless freedom gaining;
Nor less of those in later years,
Who died for its maintaining.

With cheer, and song, and martial strain,
Salute our banner royal!
New glory shall Old Glory gain,
If we, the sons, are loyal.
For truth and virtue fling it out,
For peace and love to others,
Till earth and heaven together shout—
That all mankind are brothers.

O God of nations, bless our land
From ocean unto ocean!
For equal rights, oh help us stand
With high and pure devotion!
Our peerless flag, long may it wave!
Our States, may nothing sever!
But still do Thou our Union save,
Forever and forever!

By Command of

JAMES M. SNYDER,*Department Commander.***OFFICIAL:****SPENCER W. SNYDER,***Assistant Adjutant-General.*

PRESIDENT LINCOLN'S ADDRESS AT GETTYSBURG,
NOVEMBER 19, 1863.

"Four score and seven years ago, our Fathers brought forth upon this continent a new Nation, conceived in Liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great Civil War; testing whether that Nation, or any Nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

"But in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us, the living, rather, to be here dedicated to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us,—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth."

ABRAHAM LINCOLN.

HEADQUARTERS DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
CAPITOL,
ALBANY, N. Y., *May 10, 1906.*

GENERAL ORDERS }
No. 9.

I. As stated in previous General Orders, the Fortieth Annual Encampment of the Department of New York, Grand Army of the

Republic, will be held at Saratoga Springs, on the 20th, 21st and 22d of June, 1906.

Saratoga Springs is doing its utmost to entertain this Department on that occasion, and will give us an old-time welcome to this memorable mineral town, and will make the stay of Comrades and friends a pleasant one, and one that will be long remembered.

II. All railroads in this State have extended to *all* who may desire to attend at Saratoga, their usual courtesy, namely: one fare for round trip, as per agreement with L. P. Farmer, Commissioner Trunk Line Association.

"One fare (minimum of \$1.00) for the round trip *from points in New York State*; tickets from points within 150 miles of Saratoga to be sold, and good going June 19th and 20th, and from *points more than 150 miles from Saratoga*, June 18th and 19th; all tickets to be good returning to June 25th, inclusive."

Also a communication from F. C. Donald, Commissioner Central Passenger Association, offering the same rate from that portion of the State controlled by that Association, namely: on Pennsylvania Railroad from Kinzua, Pa., to Salamanca, N. Y., thence on and west of the line of the B. R. and P. Railway, Salamanca to Buffalo.

III. Headquarters of this Department will be established at the United States Hotel, Saratoga Springs. The Council of Administration will meet at Headquarters at 2 p. m., 20th, to audit the books and accounts of the Assistant Quartermaster-General, and the Assistant Adjutant-General, and to consider all matters pertaining to the Encampment and transact such other business as may come before it. Every member of the Council is expected to be present.

IV. The following Comrades are hereby appointed a Committee on Credentials to assist the Assistant Adjutant-General in receiving credentials and the giving out of badges. Committee: Philip M. Wales, Post No. 338, James R. Gibbs, Post No. 498.

This committee will meet at the Headquarters room at four o'clock p. m., June 20th. Commanders and delegates are requested to report on arrival, present credentials and secure badges.

Chairmen of delegations to Department Encampment will be particular to bring their credentials with them, and thus avoid any confusion in receiving their delegates' badges.

V. Comrades and friends who wish to secure rooms and accommodations should communicate with Col. O. P. Clark, Mt. McGregor, Saratoga.

Delegations from Wheeler Post No. 92 and McKean Post No. 498 will be at the railroad stations to meet the Comrades and friends on their arrival and direct or escort them to Headquarters.

VI. The Commanders of Posts McKean and Wheeler will make the following details to act during the Encampment: one Comrade to act as Officer of the Day; one Comrade to act as Officer of the Guard; sixteen Comrades uniformed and equipped to act as Guards.

The Officer of the Day will report to the Assistant Adjutant-General, at Headquarters, Wednesday, June 20th, at 8 o'clock P. M., for instructions. The Officer of the Guard and the Guards will receive their instructions from the Officer of the Day.

VII. The following hotels have given the Committee the assurance that the following scale of prices will govern them at this Encampment:

United States Hotel, \$4 per day; room with bath extra.

Grand Union, \$4 per day and upwards.

Worden Hotel, \$3 per day.

Dr. Strong's, \$2.50 per day.

Huestis House, \$3 per day.

Commercial Hotel, \$2.50 per day.

The Ashton, \$2 per day.

The Brooklyn, \$2.50 per day.

The Everett, \$2.50 per day.

Vermont House, \$1.75 per day.

Broadway House, \$1.50 per day.

Elmwood Hall, \$1.50 per day.

Continental Hotel, \$1.50 per day.

Western Hotel, \$1.75 per day.

Sweeney's Hotel, \$2.00 per day.

Imperial Hotel, \$2.00 per day.

The Waring, \$1.50 per day.

Washburn House, \$1.25 per day.

Holden House, \$2.00 per day.

The Orient, \$1.25 per day.

The rate for a majority of these hotels is based on two in a room. The Washburn House has a number of double rooms which will accommodate four in a room at a rate of \$1.00 per day. Special rates are offered by the Imperial, for four in a room, of \$1.00

Good rooms can be procured at a number of private boarding houses for \$1.00 a day and upwards.

Saratoga has a number of first-class restaurants and the Comrades may be assured of excellent service and moderate charges on this occasion.

VIII. REGISTRATION.—All Comrades are requested to register their names in the books of this Department kept for that purpose at Headquarters, as soon as they arrive in Saratoga. This registration is for the information of friends who may be anxious to see them.

IX. Commanders of Posts in this Department will be held responsible for the proper filling out of the Memorial Day blank for the Post Chaplain, and have it promptly forwarded to Rev. Asher Cook, Dept. Chaplain, Middle Grove, as the Department Patriotic Instructor relies on this report for certain points to embody in his report to this Department.

It is very important that Commanders and Adjutants should see that returns and reports due June 30th, 1906, be at Headquarters at Albany not later than July 10th, 1906. It is very essential that this order should be complied with.

X. The Headquarters of this Department, at Albany, will be closed from June 12th to 25th. All orders for supplies to receive attention must be sent in before June 12th.

XI. ASSISTANT PATRIOTIC INSTRUCTORS.—Wilbur F. Brown, Post No. 140, Past Asst. Adjt.-Gen., having declined the appointment of Assistant Patriotic Instructor for New York County, on account of stress of business, Com. Alson B. Ostrander, Post No. 600, has been appointed as Assistant Patriotic Instructor for New York County. His address is No. 501 West 182d Street, New York.

An error having been made in General Orders No. 7, in relation to the Assistant Patriotic Instructor for Oneida County, correction is hereby made. Comrade W. LaFayette Ames, of Post

No. 14, was the Comrade appointed as Assistant Patriotic Instructor for that County.

XII. The following Comrades have been appointed as additional Aides-de-Camp upon the Staff of the Department Commander. They will be obeyed and respected accordingly:

Robert S. Ganong, Post 78.

Isaac B. Race, Post 78.

Edward H. Fuller, Post 92.

John Reynolds, Post 286.

George W. Fisher, Post 398.

John W. Wichwear, Post 398.

William Knapp, Post 600.

Comrades so appointed will signify their acceptance in writing to these Headquarters; to such only will commissions be issued. They are expected to be active and zealous in promoting the interests of the Grand Army of the Republic.

XIII. The following Posts in this Department have failed to make any return of their *Election of Officers* to these Headquarters. They will do so at once.

Mart Hallett Post, 492, Cameron, Steuben Co.

Burrell Post, 503, Salisbury Center, Herkimer Co.

James B. Jones Post, 579, Rathbone, Steuben Co.

W. B. Carpenter Post, 634, Galway, Saratoga Co.

H. B. Knickerbocker Post, 643, Amityville, Suffolk Co.

XIV. Information wanted:

Any one who remembers James Tanner, Co. D, 21st N. Y. Cav. Information wanted by Mrs. Sarah Johnson, 20 Walnut St., Cohoes, N. Y.

James H. Grovesken, late Sergt. Co. G, 174th N. Y. Vols., wants the address of any of his former company, especially Capt. or 1st Lieut. Thomas R. Scott, for pension purposes. Address 1137 West 24th St., Los Angeles, Cal.

A. A. Frear wishes the address of two former members of Co. E, 193d N. Y. Inf., who knew James Ferry, of that company. This information is to enable his widow to obtain a pension. Address A. A. Frear, Coeur d'Alene, Idaho.

Information is requested concerning the present whereabouts of Patrick Conley and William Clapman, who served in Co. E, 192d N. Y. Vols., and who was discharged at a military hospital

in Baltimore, Md., May 8th, 1865. Address Charles A. Brayton, White Creek, N. Y.

The address of Sylvester Stewart, late 1st Sergt. Co. B, 1st Regt., P. H. B., Maryland Cav., for the purpose of aiding a widow in securing a pension. Address Louis Wagner, Hillsboro, Montgomery Co., Ill.

Any officer or member of the 11th Illinois Infantry, who knew 1st Lieut. William H. Justice, please communicate with William H. Ocheeks, Cornwall-on-Hudson, N. Y.

Any member of Co. H, 28th N. Y. Vols. (especially John B. Clayton), who knew John Miner of that company—enlisted in Albany in 1861. Address W. F. Boshart, Post 20, Poughkeepsie, N. Y.

A soldier's wife died in some barracks, over near the Levee, back of the St. Charles Hotel, in Cairo, Illinois, in the summer of 1866 (date uncertain, possibly 1865) leaving an infant about seven months old. In the confusion then prevailing the parents' names were not recorded. The child was placed in the Soldiers' Orphan Home, Sept. 1st, the same year. Information is desired by the child concerning the identity of the parents. If the father is still living, he undoubtedly believes the child is dead. Please address E. L. Silver, Ault, Colo.

A discharge and memorandum book belonging to James Hughes, Sergt. Co. A, 77th Regt., N. Y. Vols. The owner can have same by calling on Comrade Walter Dull, 213 East 126th St., New York City.

By Command of

JAMES M. SNYDER,

Department Commander.

OFFICIAL:

SPENCER W. SNYDER,

Assistant Adjutant-General.

HEADQUARTERS DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
CAPITOL,
ALBANY, N. Y., June 7, 1906.

GENERAL ORDERS }
No. 10.

I. The Department having been informed by previous Orders that the date of the meeting of the Annual Encampment of the Department of New York, G. A. R., will be held at Saratoga Springs on the 20th, 21st and 22d of June, 1906, it is again stated in this Order "To stir up your mind by way of remembrance."

II. The Council of Administration will meet at Headquarters, United States Hotel, at 2 o'clock, June 20th.

III. The following Comrades having been already reported as a Committee to assist the Assistant Adjutant-General in receiving credentials and to give out badges, the following Comrade has been added to fill out this Committee: George H. Jackson, Post 534. Committee: Philip M. Wales, Post 338; James R. Gibbs, Post 498; George H. Jackson, Post 534.

This Committee will meet at 4 o'clock June 20th, at Headquarters. Comrades and delegates will report promptly, present credentials and secure badges.

IV. Reports A and B, for the Adjutant and Quartermaster's Reports, will be enclosed in same wrapper with this Order. These reports, as stated in General Orders No. 9, should be received at Headquarters not later than July 10th, 1906.

V. The following Comrades are hereby appointed a Committee to examine the books and vouchers of the Assistant Quartermaster-General and report: W. S. Newman, Post 266; W. H. Daniels, Post 354; R. H. Fargue, Post 35.

VI. The Department of New York, through its Commander, acting by the advice and at the request of the Delegates to the National Encampment of the G. A. R., held in Denver, Colo., in Sept., 1905, pledged this Department to contribute an additional subscription of \$750 for the Stephenson Monument Fund. Of this amount \$675 has been received at Headquarters, and it is with regret that the Department Commander has to announce that there is still to be raised \$75 to make this pledge good.

VII. In response to Circular No. 4, issued from these Headquarters for the relief of the suffering Comrades of the Grand Army of the Republic living in San Francisco, the Department Commander announces that the sum of \$959.00 has been received at these Headquarters, and a number of Posts and individual members of this Department sent direct to San Francisco the sum of \$460.00, all of which is credited to the Department of New York, G. A. R., making a grand total of \$1,419.00.

VIII. The following hotels have given the Committee the assurance that the following scale of prices will govern them at this Encampment.

United States Hotel, \$4.00 per day; room with bath extra.

Grand Union, \$4.00 per day and upwards.

Worden Hotel, \$3.00 per day.

Dr. Strong's \$2.50 per day.

Heustis House, \$3.00 per day.

Commercial Hotel, \$2.50 per day.

The Ashton, \$2.00 per day.

The Brooklyn, \$2.50 per day.

The Everett, \$2.50 per day.

Vermont House, \$1.75 per day.

Broadway House, \$1.50 per day.

Spencer House, \$1.50 per day.

Elmwood Hall, \$1.50 per day.

Continental Hotel, \$1.50 per day.

Western Hotel, \$1.75 per day.

Sweeney's Hotel, \$2.00 per day.

Imperial Hotel, \$2.00 per day.

The Waring, \$1.50 per day.

Washburn House, \$1.25 per day.

Holden House, \$2.00 per day.

The Orient, \$1.25 per day.

Pleasant Home, \$1.50 per day.

American-Adelphi, \$2.50 per day and upwards.

The rate for a majority of these hotels is based on two in a room. The Washburn House has a number of double rooms which will accommodate four in a room at a rate of \$1.00 per day. Special rates are offered by the Imperial, for four in a room, of \$1.00.

Good rooms can be procured at a number of private boarding houses for from fifty cents to one dollar per night.

Saratoga has a number of first-class restaurants and the Comrades may be assured of excellent service and moderate charges on this occasion.

IX. Comrade Robert S. Remington, Post No. 92, Saratoga Springs, will act as Officer of the Day. Comrade Remington will report to the Assistant Adjutant-General for instructions, on June 20th at 8 p. m.

The Officer of the Guard, Comrade Charles W. Mosher, Post No. 92, will report to the Officer of the Day, with Guards. Post No. 92 has kindly consented to furnish fifteen Guards *uniformed*.

X. PROGRAM.

WEDNESDAY, JUNE 20th, 1906.

10 a. m., Opening Exercises, Public meeting at Convention Hall, with address of welcome by Village President McNulty, war songs, presentation of flag to public school by Woman's Relief Corps and addresses by Comrades of the G. A. R.

WEDNESDAY, JUNE 20th.

7.30 p. m., Reception tendered by Business Men's Association to the Council of Administration.

9.00 to 11.00 p. m., Reception to Department Commander, President of Woman's Relief Corps and Ladies of the G. A. R., at the United States Hotel.

THURSDAY MORNING, JUNE 21st.

The Encampment will be called to order at 10.30 o'clock.

THURSDAY EVENING, JUNE 21st.

8.30 o'clock, Camp Fire at Town Hall and Receptions at United States Hotel by various auxiliaries. At the Camp Fire a male chorus will furnish music.

Excursions to Mt. McGregor, Schuylerville Monument, the Saratoga Battle Ground and Lake George have been arranged.

Saratoga extends the right hand of fellowship and good Comradeship to the Grand Army of the Republic and will specially exert herself to give the Comrades a "good time." June is one

of the loveliest months of the year at the famous Spa, and everything will be "swept and garnished." The famous springs will all be open and everybody will be glad to have you come.

A bureau of information has been organized and Comrades will be met at the train by reception committees, who will direct them to their temporary homes.

XI. In this busy and progressive age, our thoughts would seldom go back to the events of '61-65, let alone that of 1776, if it were not for patriotism that is abroad in our land to-day. The American people are continually looking forward; the mind is too much absorbed in the offices of to-day, and only by historic events, and the anniversaries of memorable things accomplished, events that draw us in closer touch with the happenings of yesterday, do we stop in the rush for individual gain, long enough to consider the full import and meaning of these events. During the two months just past, events of more than passing interest have taken place; the anniversary of Appomatox, the 40th birthday of our grand old Order, and the sacred Memorial Day, events which stirred the patriotic hearts of the citizen as well as the soldier. They were commendably and patriotically observed. Now comes the one hundred and twenty-ninth birthday, June 14, 1777, known as "the birth of our flag." No event conveys more of liberty than the flag. Nothing can invite patriotism to a greater extent, for it is revered and loved by every citizen who is proud of this, our fair land of freedom, the land consecrated to noble principles and lofty ideas. Let the observance of the 129th anniversary of the flag be an exception this year. Put forth every effort to have the flag displayed on every school house, public building, business house and private dwelling. The Commander appoints every member of the Department of New York, Grand Army of the Republic, a committee of one, to encourage the movement. Every citizen should display the flag; every man, woman and child should wear a miniature flag or knot of red, white and blue. What an inspiring sight it would be to see old glory floating over every building in the Empire State. If the 27,500 members of this Department will do their duty loyally and faithfully, the one hundred and twenty-ninth anniversary of the stars and stripes will be a memorable one.

XII. The following Comrades have been appointed as additional Aides-de-Camp upon the staff of the Department Commander. They will be obeyed and respected accordingly.

James Loftus, Post 121.

William Spencer, Post 671.

W. T. E. Yearsley, Post 671.

William L. Dean, Post 420.

Walter B. Tallman, Post 101.

John D. Platts, Post 168.

Chas. A. Bundy, Post 141.

Harvy S. McLeod, Post 338.

R. W. Edwards, Post 471.

John McGoldrick, Post 18.

James I. Silliman, Post 607.

Comrades so appointed will signify their acceptance in writing to these Headquarters; to such only will commissions be issued. They are expected to be active and zealous in promoting the interests of the Grand Army of the Republic.

XIII. Chapin Post, No. 2, of this Department, by a resolution adopted February 16, 1906, requested that a Court of Inquiry be appointed by the Department Commander, to whom should be referred certain charges of cowardice and misconduct maliciously alleged against Comrade Charles A. Orr, Commander of said Post, for the purpose of injuring said Comrade, in which request Comrade Charles A. Orr joined.

Pursuant to that request, Special Order No. 10 was issued from these headquarters, by which it was ordered that a Court of Inquiry convene at Grand Army Hall in the city of Buffalo, on Monday, April 9, 1906, and directed that said Court of Inquiry should have power to send for all persons within the membership, of the Grand Army of the Republic, and all members of the Grand Army of the Republic within this Department were ordered to appear before said Court of Inquiry whenever notified so to do, and then and there submit to such examination and produce such papers as the Court of Inquiry might require. The detail for the Court was Comrades Edward W. Rogers, Post 76, Lockport, N. Y., President; H. J. Swift, Post 183, Cuba, Allegany Co.; Peter Thomas, Post 299, Batavia; Alfred Lyth and C. D. R. Stowits, Post 9, Buffalo.

The said Court of Inquiry met April 9, 1906, and subsequently adjourned to May 5, 1906. Nineteen witnesses were sworn and examined before the Court, and quite a number of documents were offered and received in evidence. All persons who were interested, in any way in the matter under examination, were heard, and Comrades Robert McAnally, Horatio Warren and B. H. Rogers refused to obey the subpoena of said Court, and refused to give testimony of and concerning matters under inquiry by the said Court. After taking the evidence the Court made a report of its findings and recommendations, which were approved by the Department Commander. It was made to appear that when Comrade Charles A. Orr's name was sent to the United States Senate for the office of United States Pension Agent at Buffalo, some person in the city of Buffalo mailed to every member of the United States Senate an affidavit purporting to have been made by one George H. Hodges, in which he made statements of and concerning Comrade Orr, and charging him with being a coward and a shirk, with the intent and purpose of preventing, if possible, a favorable action by the Senate upon Comrade Orr's appointment. Before the Court it was made to appear that George H. Hodges, who made the affidavit, was induced to make the same by one Robert McAnally. By an overwhelming preponderance of evidence, every statement contained in the affidavit of Hodges was proved to be absolutely false and untrue, and that the utterance of said affidavit was wicked, malicious and without excusable or justifiable cause.

The testimony taken before the Court of Inquiry is on file in the office of the Adjutant-General and will be open for inspection to any Comrade who may desire to read the same. Words cannot adequately express the contempt that is entertained for Comrades who seek in such a way to malign the character of another Comrade, and demonstrates most clearly that the perpetrators of this libel do not, nor never have appreciated the character or force of the obligation which made them Comrades of the Grand Army of the Republic.

Comrade Orr needs no words of praise. The records in the War Department at Washington entitle him to wear the Congressional Medal of Honor. His character as a citizen and public officer have been recognized by the President of the United

States and confirmed by the Senate. It did not need a Court of Inquiry for his sake or for his record or reputation. The purpose of the Court has been realized. It was to unmask one or two vicious persons, who got an infirm and decrepit old man to make an affidavit to facts which they knew to be absolutely untrue, and when called upon for a statement of and concerning the same, did just as their cowardly hearts would suggest—ran away.

There is no recommend to be added, merely that the Comrades of the G. A. R. who refused to obey the subpoena of the Court and disobeyed the order from these Headquarters, should be court martialed for contumacy and disobedience of orders, and if proven guilty upon those charges, the Grand Army should honor itself by ridding its membership of men so vile.

By Command of

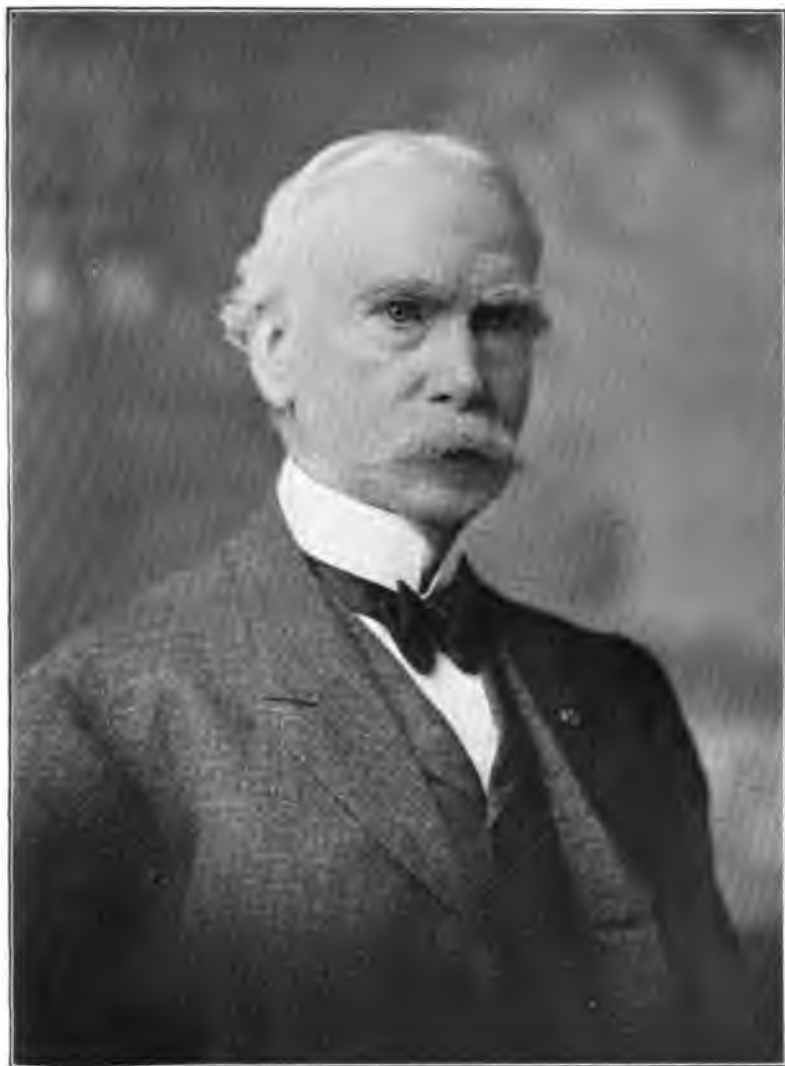
JAMES M. SNYDER,

Department Commander.

OFFICIAL:

SPENCER W. SNYDER,

Assistant Adjutant-General.



D. J. O'BRIEN,
Junior Vice Department Commander.

Preliminary Proceedings.

The official reception of the delegates to the 40th Annual Encampment, Department of N. Y., G. A. R., took place at Convention Hall in the village of Saratoga, N. Y., Wednesday, June 20th, 1906, at 10.30 a. m.

Hon. James D. McNulty, Village President, presiding.

Doring's Military Band discoursed National Airs, and stirring descriptive battle pieces.

Prayer was offered by Rev. Asher Cook, Department Chaplain.

The "Star Spangled Banner" was beautifully sung by Miss Alice McGregor, of Saratoga Springs.

Address of welcome by Hon. James D. McNulty, President of the Village, as follows:

"Commander Snyder and the members of the Grand Army of the Republic of the State of New York.

"You have suffered and were willing to die that we might live under the benign influence of the glorious and venerated Stars and Stripes.

"Saratoga Springs, mindful of your great sacrifice is proud of the honor which you confer upon the village in assembling here to-day.

"Already enshrined in our hearts, we bid you welcome to our homes.

"With this welcome goes forth the earnest wish that your sessions here will be prolific of good results and your stay will be all that can be desired.

"Saratoga is yours without reservation.

"I congratulate the others, ladies, gentlemen and children, on the opportunity of being present at these exercises to-day, which I know will prove a beautiful and beneficial lesson in patriotism."

Response by James M. Snyder, Department Commander.

"President McNulty, Ladies and Gentlemen—Last February a committee of citizens from Saratoga appeared before the De-

partment Council of Administration and solicited the holding of the 40th Annual Encampment, Department of New York, Grand Army of the Republic, in Saratoga.

"You, Mr. President, made the encouraging speech, and in the pleasant promises of a cordial reception, Saratoga was selected. Since which time we have looked forward in anticipation and expected an enjoyable time, and expectations have been fully realized to date.

"At our entrance to your beautiful village smiling faces of welcome and the right hand of fellowship were extended on all sides, and Mr. President, for your kind words of welcome and cordial greeting to-day, I assure you of our appreciation, and in behalf of the delegates, Comrades, the auxiliaries and kindred organizations that are holding their conventions in Saratoga this week, I thank you sincerely, heartily, and I don't believe we have made any mistake in accepting your invitation.

"Nature and man have both been exceedingly kind and generous in their treatment of Saratoga; beautiful and picturesque with parks, lovely homes, attractive streets, magnificent hotels and is situated in one of the most fertile counties in the State.

"Saratoga has for many years been prominent as a summer resort, and you, good people, have been noted for your hospitality. Its famous mineral springs are noted far and wide, and together with the invigorating air has drawn to its shrine thousands of admiring guests who, like ourselves, have been enchanted, and go away better for having been here.

"One does not need to be told that Saratoga is one of those places running back to Indian days. In fact the region about Saratoga is celebrated in Indian song and legend for its singular beauty.

"For lovely and restful surroundings, with all the gaiety the heart can wish close at hand, Saratoga Lake is unequalled and invites the patronage of daily, weekly or summer resorters, where a delightful stay may be enjoyed.

"And further, an air of romance clusters about Saratoga, for over a hundred years ago the tramp, tramp, tramp of the Revolutionary soldiers in their battles for liberty was heard. To-day within the borders of your beautiful village is heard the

tramp, tramp, tramp of the soldiers of the Civil War who fought to retain the Union of States.

"We are here as your guests to-day enjoying all the good things and not the least of which is your hospitality. We appreciate your kind efforts and your cordial welcome, and when we depart for our homes charmed with our hosts, we will carry with us the fragrant memory of a most delightful stay, a stay so entirely pleasant in all its incidents, so widespread in its influence, we will want to come again."

Then followed singing of patriotic songs by the school children who occupied seats on the platform.

Address—Hon. Edgar Truman Brackett, State Senator.

Senator Brackett was cordially received by the large assembly of Comrades and citizens. His address was of considerable length, was very interesting and was patriotically inspiring. We regret we were unable to procure a copy, that it might be published in full in this journal.

Then followed music by Doring's Military Band.

The next order of business was the presentation of flag to Saratoga High School by Mrs. Florence E. Payne, President of the Woman's Relief Corps of the State of New York, Mrs. Kate E. Jones, Past Department President, making the presentation speech, as follows:

"Four years ago the National Patriotic Instructor made a recommendation that was adopted by the National Convention, viz.: That in the interests of Patriotic Education, in every Department, a flag should be presented to the High School in the city where the G. A. R. encampment is held. Since that time, all over this great Republic, even in the Southland, in the months of April, May and June, when G. A. R. encampments are held, a beautiful flag has been provided by the Relief Corps. The children assemble in the school auditorium or on the campus, sometimes at the Camp Fire, and the flag is presented. It is the gift of the W. R. C. and presented in the name of the G. A. R., to whom they are auxiliary. I have the honor at this time to make the presentation to the Saratoga High School in behalf of the Department of New York. But first I must tell you *why* this is done.

"We believe the flag is the greatest object-lesson for teaching patriotism in the school-room; the sight of it is an inspiration to the student, a silent reminder of constant service to country and mankind. No other flag gives so much help and hope to the weak and discouraged. We believe the children of the High School should be taught the Flag Salute, and at the same time 'pledge allegiance to it and the Republic for which it stands, one Nation, indivisible, with liberty and justice for all.' Although the Flag Salute is a formal practice, it is through these externals, emotions are aroused, and lasting impressions are made. By this act, the seeds of patriotism are sown in the hearts of the boys and girls of the public schools, especially the children of the vast foreign immigration coming yearly to America to find a home. We welcome them, but they must be taught to respect and reverence our flag and to understand the principles it represents. We are looking to the public schools to promote this work and they are doing it grandly. We have no word of criticism. Our only object is to show our appreciation and co-operate with them in this great work. It has been said by those who have studied the onward march of patriotic teaching in this last half century, that since the institution of Memorial Day by the G. A. R. and later the 'Flag mission to the public schools,' there has been great advance in patriotic teaching; so much so that it has attracted the attention of other nations, and England especially, has paid glowing tribute to the United States as an example and leader in teaching patriotism to the children.

"The main object of patriotic teaching is to promote *good citizenship*. Good citizens are the great need of our country to-day; strong, clean young manhood to stand for our government and fight against the evils that corrupt our laws. We want loyalty in the hearts of our people, young and old, abiding loyalty, that means more to the future safety of our country than hosts of standing armies or fleets of battle-ships. So Peace needs her patriots as well as War, and we believe in Peace, even if we have to fight for it!

"As before mentioned, there is no patriotic organization in the world that has accomplished so much in patriotic education as the G. A. R. and the W. R. C., its auxiliary. They have the inspiration in the old soldier, for no one loves 'Old Glory' like

the veteran. They know what it cost, and so to your Superintendent, in the name of the Grand Army, I present this beautiful flag from the Department of New York, W. R. C., to the students of Saratoga High School, and with it I bring this message to the pupils present and absent. Tell them when they look upon this flag to remember what it cost, that our flag is worth more to-day than when it led these Comrades to the battlefields. To-day it is the emblem of over eighty millions of free people, the greatest nation on earth. It is more beautiful than then, for the Red has been made brighter through the blood of over a half million of heroes. Its White has been made whiter through a fountain of tears. Tell them what power it stands for—what mercy it gives—what protection it affords; that under its folds every child can attain a nobility far above the accidents of birth—yea—under its folds, everyone *is* of noble birth, in being an *American Citizen*.

"A young soldier boy, the color bearer of his regiment, lay dying on the battlefield, and looking up, saw our flag floating above the mists and clouds of Lookout Mountain. Turning his dying eyes to the Comrade bending over him, he said, 'See, the flag is there! Did I help to do it?' 'Yes, my boy, you helped to do it' the soldier answered. His face lighted with joy, and with a whispered 'Tell my mother' he bravely met death with a smile. So I bid you, sons and daughters of Saratoga, to be color-bearers in the battle of life, and bye and bye when you reach the Lookout Mountain of life and go away to the 'Everlasting Hills' the world will say to each of you: In victory for God and Humanity, 'He helped to do it.'

"Take this flag, cherish it, and remember that although it was human love that sent it to you, it was Divine love that gave it birth."

Acceptance by Mr. John Shipman, President of the Board of Education of the village of Saratoga, who spoke as follows:

"Ladies of the Woman's Relief Corps of the Grand Army of the Republic of the State of New York: In the name of the Board of Education, of the schools and of the people of Saratoga Springs, I thank you for the kindly thought and interest that prompted you to present to our schools this beautiful flag. We shall ever cherish it and it shall hold the first place among the

sixty or more flags that are now daily in use in our schools. We shall place it on our Central Building where all our people may see it from time to time and it shall become the crowning glory of the galaxy of American flags that adorns our school system.

"It is fitting that this flag should thus come to us. The daily use of the flag in the public schools of our State was inaugurated in Saratoga by the late Col. Balch and our esteemed townsman Capt. McNair, and the custom has spread from Saratoga to all parts of the State and to nearly all parts of our country.

"Every day in the year when our schools are in session the American flag flies from a staff at each of our school buildings and one is kept in each of the school rooms and used daily in the opening exercises.

"Thus we are trying to inculcate patriotism within the hearts and lives of our children, and the respect and love that they show the flag is proof that the lesson is being well learned.

"Again I thank you and extend to you our most cordial commendations for the good work that you are doing in building up the element of true Americanism in our young people."

The audience was again delightfully entertained with a song by Miss Alice McGregor. Miss McGregor's solo work was rendered in a most effective manner with a superb voice.

The pleasingly arranged program closed with the singing of "America" by the school children, in which the audience heartily joined.

Other public meetings during the encampment were as follows:

WEDNESDAY EVENING, 8.00 P. M.

Reception at the United States Hotel by the Woman's Relief Corps, Ladies of the G. A. R. and Daughters of Veterans.

A reception to the Department Commanders and Council of Administration by the local Executive Committee at the Elks Club, for which admission was by card of invitation.

THURSDAY EVENING, TOWN HALL THEATRE, AT 8.30 P. M.

Camp Fire and Reunion.

Addresses by Comrades Major H. D. Ellsworth, F. Z. Jones, George B. Loud, Judge L. E. Griffith, and others.

Recitations, Capt. Archie Snow.

Singing by male chorus.

ROLL CALL.

James M. Snyder, Department Commander.

George E. Dewey, Senior Vice-Commander.

Daniel J. O'Brien, Junior Vice-Commander.

Rev. Asher Cook, Department Chaplain.

William Taylor, Medical Director.

Spencer W. Snyder, Assistant Adjutant-General.

Edward J. Mitchell, Assistant Quartermaster-General.

Lewis E. Griffith, Judge Advocate.

Joseph B. Lord, Department Inspector.

S. McAuliffe, Chief Mustering Officer.

Oscar D. Robinson, Patriotic Instructor.

Council of Administration:

Joseph Murphy.

R. H. Fargue.

W. S. Newman.

W. H. Daniels.

H. F. Tarbox.

Official Proceedings.

SARATOGA SPRINGS, N. Y., *June 21, 1906.*

The Encampment was called to order at 10.30 a. m. in the Convention Hall, by Department Commander James M. Snyder, as follows:

This is a regular meeting of the Fortieth Annual Encampment of the Department of New York, Grand Army of the Republic. Officers of the Day, are the approaches to this Encampment properly guarded?

Officer of the Day.—Commander, they are.

The Commander.—Are the Officers present in their proper station?

Officer of the Day.—Commander, they are.

The Commander.—Are all persons present members of the Grand Army of the Republic?

Officer of the Day.—Commander, they are.

The Commander.—Comrades, once more we have assembled for the transaction of such business as may properly come before this Encampment. We meet in fraternity, charity and loyalty, and may all our hearts unite as one in sustaining the great principles of our order. The Chaplain will invoke the Divine blessing.

The Department Chaplain Asher Cook.—We have come unto Thy presence before Thee, Supreme Commander-in-Chief of the great armies of the universe, at this time to thank Thee that during the marches of another year Thy protecting power has been over us; that Thou hast been in our camp fires, in our councils and in all our walks of life; that around about us has been thrown the influence of Thy grace and long-suffering. We thank Thee for the light of this beautiful morning, and for the fond associations and memories that cluster around us to-day. We thank Thee that as representatives of the Grand Army of the Republic of the State of New York, we are again permitted to clasp hands in this, another, annual encampment.

Do Thou bless, we humbly ask of Thee, the comradeship here assembled. Grant, O'Lord, that Thy spirit may dominate in all our hearts and that whatever is done may surely redound to Thy honor, to Thy glory and to the good of our organization. Do Thou grant that the true spirit of charity shall prevail in all our actions; and may nothing be done that shall bring sorrow to us, while we have met together. We pray Thee that Thou wilt ever keep us mindful of the duty which comes to us in comradeship, and wilt Thou make our hearts and our hands warm toward that comradeship, and toward the great broad brotherhood of old soldiers.

We ask of Thee now to draw very near unto us and bless us; pour Thy spirit upon us and put within us a more pure and perfect appreciation of the immutable principles of our fraternity. May we grow in spirit and in fraternity, in charity and in loyalty. O, Thou great Comforter of us all, Thou from Whom alone can comfort come, Thou canst give joy to us even in our hour of sorrow when we remember many of those who have been associated with us in the past and who were so anxious to be with us again this year, who have been mustered out; many during the past year have been called to go hence, and we are left. Do Thou grant that we may be more faithful, more loyal, and more true; we ask Thy blessing upon us; may nothing occur while we are away from our homes and from our many friends, that shall bring sorrow to us; and grant that Thy richest blessing may rest upon those who are with us in spirit but absent in body, and who perhaps will never again come to an Encampment. Do Thou comfort them. May their setting sun not go out in darkness, but may there be joy and gladness in their hearts that they have lived to do something for their country's weal.

Grant, we ask Thee, Thy blessing upon the President of the United States, our Commander-in-Chief; upon the Army and Navy; bless the officers and soldiers and sailors of our Country; preserve our land; may the ensign of our Nationality, the Flag of the Free, continue to float over every hearth and every home of this land of the free and the brave. Heavenly Father, into Thy hands we now commit ourselves and all things; praying that Thy blessing may rest upon our organization and upon our

Comrades, especially the suffering and sorrowing ones who are bearing heavy burdens in the evening of their lives; do Thou, O God, grant as they are marching step by step toward the close of life, the consolations of Christ may be theirs. That they may reach Home; and when at last, taps shall sound all lights out, may we, with them, hear the cheering words of our Great Commander, "Well done, good and faithful servants." All we ask is only in the name and for the sake of our Great Commander, Who when upon earth taught his disciples and through them teaches us when we pray, to say: Our Father who art in heaven: hallowed be Thy name; Thy kingdom come, Thy will be done on earth as it is in heaven; give us each day our daily bread; forgive to us our transgressions as we forgive those who transgress against us; permit us not to run into temptation; but deliver us from evil; for Thine is the kingdom and the power and the glory forever, Amen.

The Commander.—I now declare the Fortieth Annual Encampment of the Grand Army of the Republic, Department of New York, open in due form.

Comrade Knight, Post 327.—I move that during the sessions of this Encampment, no smoking be allowed in this room, and that the Officer of the Day be instructed to enforce the rule. I call for a vote.

A Comrade.—I don't think such a motion is necessary.

The Commander.—It is one of the laws of our Order. The Officer of the Day will see that it is strictly enforced. I am just informed that one of the conditions of our occupying this hall is that no smoking will be permitted.

In order that we may proceed properly, I believe that we should have the Committee report on credentials; a motion in that direction will be in order.

The Assistant Adjutant-General.—The Committee on Credentials desires to present the roll of the Encampment.

Comrade Lewis Griffith, Post 34.—I move that the report of the Committee be adopted as the roll of the Encampment.

This motion was adopted, and the report of the Committee on credentials was adopted as the official roll of the Encampment.

Department Officers.

Official Staff.

Council of Administration.

The above will be changed at Encampment held in June.

Past National Officers.

Past Department Commanders (Living)

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76 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

JAMES S. GRAHAM.....	Rochester
JOSEPH W. KAY.....	Brooklyn
N. P. POND.....	Rochester
C. A. ORR.....	Buffalo
ALLEN C. BAKEWELL.....	New York City
JOHN S. KOSTER.....	Port Leyden
HENRY N. BURHANS.....	Syracuse

Post No. 1—Rochester.

Com., R. Morgan.
 S. V., M. H. Johnson.
 J. V., E. Foster.
 Delegates:
 E. Hoekstra.
 B. B. Riley.
 Alternates:
 John E. Tracy.
 W. H. Johnson.

Post No. 2—Buffalo.

Com., C. A. Orr.
 S. V., W. H. Hoyt.
 J. V., S. M. Pooley.
 Delegates:
 J. E. Ewell.
 J. H. Horton.
 F. Myers.
 C. G. Johnston.
 John Byrne.
 W. S. Brown.
 Alternates:
 John J. Ford.
 J. E. Ransom.
 John D. Leib.
 J. H. Grant, M. D.
 Geo. Keller.
 D. Sullican.

Post No. 3—Brooklyn.

Com., B. F. Conlin.
 S. V., M. Condon.
 J. V., P. Aman.
 Delegate:
 A. J. Lyons.
 Alternate:
 J. H. McKenna.

Post No. 4—Rochester.

Com., J. A. Reynolds.
 S. V., S. C. Peirce.
 J. V., G. J. Oaks.
 Delegate:
 S. B. Williams.
 Alternate:
 J. C. Briggs.

Post No. 5—Albany.

Com., W. H. Lonergan.
 S. V., L. H. Smith.
 J. V., Chas. Martin.
 Delegates:
 J. E. Weaver.
 Harrison Kniskern.
 Alternates:
 John Ryan.
 Isaac J. Boyd.

Post No. 6—Elmira.

Com., R. Rockwell.
 S. V., W. R. Hammond.
 J. V., Geo. E. Orton.
 Delegates:
 R. P. Bush.
 W. C. Smith.
 Alternates:
 J. B. Beman.
 Robt. A. Hall.

Post No. 7—Clifton Springs.

Com., M. D. Burke.
 S. V., Geo. Warfield.
 J. V., Jos. Scullen.
 Delegate:
 C. A. Gillett.
 Alternate:
 Wm. J. Reals.

78 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Post No. 8—New York City.

Com., G. H. Stevens.
S. V., E. Hetherton.
J. V., J. E. McCadden.
Delegate:
Edw. Hetherton.
Alternate:
J. E. McCadden.

Post No. 9—Buffalo.

Com., E. W. Beach.
S. V., Wm. H. Moore.
J. V., F. H. Gatchell.
Delegates:
W. S. Bull.
A. J. Smith.
T. A. Taggart.
A. Lyth.
Alternates:
C. D. R. Stowits.
W. T. Smith.
T. McEvoy.
J. Findlay.

Post No. 10—Brooklyn.

Com., J. Whitlock.
S. V., W. H. Parshall.
J. V., S. Adamsky.
Delegates:
S. Adamsky.
G. W. Myers.
Alternates:
John Teer.
O. Anmack.

Post No. 11—Brooklyn.

Com., J. R. Annotoyne.
S. V., J. P. Mendell.
J. V., J. F. Hahn.
Delegate:
J. P. Mendell.
Alternate:
E. S. Creamer.

Post No. 12—Aften.

Com., J. Sornberger.
S. V., E. E. Montgomery.
J. V., P. F. Cole.
Delegate:
P. F. Cole.
Alternate:
Geo. A. Haven.

Post No. 13—New York City.

Com., J. Boylan.
S. V., Thos. Welsh.
J. V., G. W. Berrien.
Delegate:
J. H. Henry.
Alternate:
J. C. West.

Post No. 14—Utica.

Com., J. E. DeForest.
S. V., L. H. Dodge.
J. V., W. J. McLean.
Delegate:
W. LaFayette Ames.
Alternate:
J. H. Adams.

Post No. 15—Schenectady.

Com., S. G. Swift.
S. V., James Kniskern.
J. V., Joseph Van Zandt.
Delegate:
James Kneskern.
Alternate:
H. P. Dunham.

Post No. 16—Brooklyn.

Com., David Humphreys.
S. V., Mathew Gerritty.
J. V., B. F. Murphy.
Delegate:
Edward Fahey.
Alternate:
M. Reagan.

Post No. 17—Gloversville

Com., E. M. Bailey.
S. V., Geo. Shufelt.
J. V., Dave Danburg.

Delegate:

Alfred Allen.

Alternate:

I. D. Graff.

Post No. 18—Troy.

Com., J. McGouldrick.
S. V., John Burke.
J. V., M. Fitzgerald.

Delegate:

J. R. Truesdell.

Alternate:

J. W. Cannon.

Post No. 19—Little Falls.

Com., J. G. Burney.
S. V., J. Jennings.
J. V., Thos. Magill.

Delegate:

Thos. Magill.

Alternate:

Thos. Hastings.

Post No. 20—Poughkeepsie.

Com., J. W. McCormac.
S. V., A. J. Ostrom.
J. V., E. M. Egan.

Delegates:

M. Tuill.

Wm. E. Gurney.

Alternates:

A. J. Ostrom.

I. G. Manning.

Post No. 21—Brooklyn.

Com., Robert Welch.
S. V., M. S. Clark.
J. V., B. Murphy.

Delegate:

A. G. Iffla.

Alternate:

D. U. Quick.

Post No. 22—Montour Falls.

Com., M. L. Frost.
S. V., Geo. W. Blunt.
J. V., J. M. Vail.

Delegate:

N. H. Barns.

Alternate:

J. M. Vail.

Post No. 23—Waterville.

Com., Geo. H. Taft.
S. V., A. Wakefield.
J. V., D. Williams.

Delegate:

F. C. Mulverhill.

Alternate:

Robert Carlin.

Post No. 24—New York City.

Com., E. Esmond.
S. V., J. J. Garbutt.
J. V., Thos. Knox.

Delegate:

F. L. Schaefer.

Alternate:

J. G. Jenney.

Post No. 25—Worcester.

Com., G. B. Wright.
S. V., P. Waterman.
J. V., H. J. Goodrich.

Delegate:

H. J. Goodrich.

Alternate:

A. Foland.

Post No. 26—Cooperstown.

Com., H. Lynch.
S. V., P. Connors.
J. V., H. S. Perry.

Delegate:

Frank Jarvis.

Alternate:

P. Connors.

Post No. 27—Coxsackie.

Com., J. B. Van Wie.
S. V., Thos. Sheehan.
J. V., D. Hoffman.

Delegate:

J. S. Hiseerd.

Alternate:

John Van Wormer.

Post No. 28—Brooklyn.

Com., S. E. Burr.
S. V., S. Rosenberg.
J. V., A. Lange.

Delegate:

J. J. Lawley.

Alternate:

S. H. Montgomery.

Post No. 29—New York City.

Com., F. E. Goldthwait.
S. V., W. J. Holmes.
J. V., C. F. Farrell.

Delegate:

J. H. Barker.

Alternate:

Joseph Hyde.

Post No. 30—Binghamton.

Com., W. Mattice.
S. V., J. C. LaPoint.
J. V., G. W. Bowker.

Delegates:

E. A. Reynolds.

H. P. Mulford.

J. E. Morrall.

Alternates:

Wallace Hill.

S. H. Wood.

Chas. Van Horn.

Post No. 31—New York Mills.

Com., G. B. Fairhead.
S. V., S. Nelson.
J. V., D. B. Magill.

Delegate:

J. Hepworth.

Alternate:

Lewis Michaels.

Post No. 32—New York City.

Com., Christian Bange.
S. V., Geo. Frohbesen.
J. V., C. Bihler.

Delegate:

H. A. Krans.

Alternates:

Martin Shloss.

Chas. Pfeiff.

Post No. 33—Amsterdam.

Com., N. D. DeGraff.
S. V., J. L. Abeling.
J. V., G. D. Rohodes.

Delegate:

J. W. Kimball.

Alternate:

Chas. Van Wormer.

Post No. 34—Troy.

Com., D. J. Carey.
S. V., B. H. Van Buren.
J. V., D. Hilton.

Delegate:

B. B. Martis.

Alternate:

I. L. Emmerson.

Post No. 35—Brooklyn.

Com., T. B. Liddle.
 S. V., S. H. Ferguson.
 J. V., J. H. Carpenter.
 Delegates:
 J. H. Casey.
 J. Snyder.
 S. H. Ferguson.

Post No. 36—Utica.

Com., C. H. Ballou.
 S. V., John Dolan.
 J. V., E. L. Brockway.
 Delegate:
 G. W. Warrington.
 Alternate:
 G. W. Dennis.

Post No. 37—Auburn.

Com., F. Cossum.
 S. V., Geo. Ennis.
 J. V., D. T. Dunham.
 Delegate:
 C. B. Mathews.
 Alternate:
 Chas. Webner.

Post No. 38—New York City.

Com., W. E. White.
 S. V., J. Kerrigan.
 J. V., H. Murphy.
 Delegate:
 T. Moore.
 Alternate:
 I. H. Fuhr.

Post No. 39—Prospect.

Com., C. B. Hodge.
 S. V., A. T. Orviss.
 J. V., T. C. Remonda.
 Delegate:
 T. A. Remonda.
 Alternate:
 B. N. Congdon.

Post No. 40—Oxford.

Com., J. H. Cochrane.
 S. V., A. D. Gregory.
 J. V., J. Sheehan.
 Delegate:
 Peter Peterson.
 Alternate:
 W. H. Brookins.

Post No. 41—Ithaca.

Com., W. H. Herrington.
 S. V., D. C. Bishop.
 J. V., G. Riker.
 Delegate:
 D. W. Burdick.
 Alternate:
 C. W. Earl.

Post No. 42—New York City.

Com., F. McGuire.
 S. V., J. Bambrick.
 J. V., G. W. Wade.
 Delegate:
 F. McCarthy.
 Alternate:
 T. McGuire.

Post No. 43—Cohoes.

Com., I. Shaw.
 S. V., J. M. Tompkins.
 J. V., J. E. Stephens.
 Delegate:
 Chas. Travis.
 Alternate:
 J. W. Abbett.

Post No. 44—New York City.

Com., P. S. Biglin.
 S. V., J. Wennerhahn.
 J. V., G. W. Van Rensselaer.
 Delegates:
 C. Brickwedel.
 Geo. A. Drew.
 Alternates:
 R. Walsh.
 F. H. Pontin.

Post No. 45—Auburn.

Com., G. T. Brown.
S. V., W. H. Stanley.
J. V., Chas. V. Wormwood.

Delegates:

W. M. Hosmer.
E. W. Allen.

Alternates:

John Carr.
A. C. Westlake.

Post No. 46—Ballston Spa.

Com., A. J. Freeman.
S. V., W. H. Sherman.
J. V., C. B. Irish.

Delegate:

Adam Niles.

Alternate:

Post No. 47—Rome.

Com., G. H. Mason.
S. V., J. C. Neuschler.
J. V., W. Rose.

Delegate:

M. Mahana.

Alternate:

G. E. Nerce.

Post No. 48—Matteawan.

Com., M. Lownsbury.
S. V., E. B. DeMond.
J. V., J. Flood.

Delegate:

S. Decker.

Alternate:

Watson Titus.

Post No. 49—Canastota.

Com., W. Taylor.
S. V., E. Baker.
J. V., W. H. Phillips.

Delegate:

J. E. Ostrander.

Alternate:

L. L. Martin.

Post No. 50—Flushing.

Com., E. V. Brown.
S. V., J. J. Johnston.
J. V., C. E. Brush.

Delegate:

D. H. Miller.

Alternate:

H. A. Bowman.

Post No. 51—Canajoharie.

Com., C. W. Scharff.
S. V., H. G. Perry.
J. V., D. Denning.

Delegate:

E. A. Flint.

Alternate:

L. Merreness.

Post No. 52—Newburgh.

Com., C. Stanton.
S. V., W. C. Goodrich.
J. V., C. A. Boyd.

Delegate:

T. Hewitt.

Alternate:

T. F. Vandenburg.

Post No. 53—Utica.

Com., E. S. Foskett.
S. V., E. C. Ferry.
J. V., J. R. Edwards.

Delegate:

J. Kohler.

Alternate:

C. W. Shark.

Post No. 54—Fabius.

Com., O. H. Sisson.

S. V., L. Church.

J. V., M. J. Cooper.

Delegate:

G. W. Phillips.

Alternate:

J. G. Stewart.

Post No. 55—Welcott.

Com., N. J. Field.

S. V., Nelson Taylor.

J. V., I. McIntyre.

Delegate:

J. E. Lawrence.

Alternate:

James Boyd.

Post No. 56—Lee Center.

Com., D. French.

S. V., W. M. Brown.

J. V., S. A. Pratt.

Delegate:

G. W. Murphy.

Alternate:

J. J. Castle.

Post No. 57—Fonda.

Com., J. A. Hubbard.

S. V., J. W. Smith.

J. V., O. D. Welch.

Delegate:

S. W. Horning.

Alternate:

D. C. Martin.

Post No. 58—Newburgh.

Com., C. H. Van Gorden.

S. V., C. W. Smith.

J. V., J. R. McCollough.

Delegate:

D. W. Hecky.

Alternate:

Thos. Johnston.

Post No. 59—Owego.

Com., C. A. Cameron.

S. V., J. Robertson.

J. V., J. W. Brott.

Delegate:

W. Van Over.

Alternate:

J. Robertson.

Post No. 60—Yonkers.

Com., J. S. Clark.

S. V., A. Stevens.

J. V., J. D. Barnes.

Delegate:

A. Kipp.

Alternate:

W. H. Fisher.

Post No. 61—Morris.

Com., A. Turner.

S. V., G. Tabras.

J. V., I. Cowse.

Delegate:

Ira Quinley.

Alternate:

Olney Braley.

Post No. 62—New York City.

Com., J. Schmidling.

S. V., A. Leopold.

J. V., Herman Long.

Delegate:

Wm. Dierolf.

Alternate:

W. Rohling.

Post No. 63—Albany.

Com., R. W. Eastman.

S. V., Wm. H. Terrill.

J. V., F. LeGrand, Ames.

Delegate:

C. J. Buchanan.

Alternate:

Wm. A. Wallace.

Post No. 64—Chittenango.

Com., Geo. B. Hill.
S. V., S. T. Nourse.
J. V., A. T. Anguish.

Delegate:

Peter P. Care.

Alternate:

John Horan.

Post No. 65—Oswego.

Com., J. K. Prosser. ●
S. V., J. E. Petterson.
J. V., I. C. McIntyre.

Delegate:

T. Moore.

Alternate:

Richard Powers.

Post No. 66—Syracuse.

Com., A. Smith.
S. V., S. H. Warner.
J. V., J. M. Stewart.

Delegates:

J. M. Stewart.

Daniel Becker.

Alternates:

Jacob Listman.

Henry Lenz.

Post No. 67—New York City.

Com., T. S. Callender.
S. V., M. Silverstone.
J. V., E. Evans.

Delegate:

J. M. Thompson.

Alternate:

E. Evans.

Post No. 68—Slaterville.

Com., D. B. Hammond.
S. V., J. J. Personius.
J. V., Preston Darlin.

Delegate:

J. J. Personius.

Alternate:

John E. Bull.

Post No. 69—New York City.

Com., J. O'Connell.
S. V., P. Barrett.
J. V., Wm. Johnston.

Delegate:

Patrick Doody.

Alternate:

Wm. Johnson.

Post No. 70—Fort Plain.

Com., J. J. Witter.
S. V., Chas. Brown.
J. V., H. A. Ford.

Delegate:

Jacob S. Zimmer.

Alternate:

Chas. Bramer.

Post No. 71—Dundee.

Com., E. B. Green.
S. V., D. Glover.
J. V., A. A. Taft.

Delegate:

J. E. Almy.

Alternate:

H. V. L. Jones.

Post No. 72—Waterloo.

Com., S. M. Schott.
S. V., T. Bertran.
J. V., F. Lamphere.

Delegate:

Warren Lerch.

Alternate:

Geo. Ackerman.

Post No. 73—Lyndonville.

Com., C. F. Barry.
S. V., C. A. Johnson.
J. V., S. Lewis.
Delegate:
C. Phippany.
Alternate:
H. H. Valse.

Post No. 74—Naples.

Com., E. C. Clark.
S. V., W. G. Shepard.
J. V., W. L. Shepard.
Delegate:
J. R. Dixon.
Alternate:
I. B. Wilson.

Post No. 75—New York City.

Com., A. H. Rogers.
S. V., R. Brown.
J. V., John McGann.
Delegate:
B. F. McGuire.
Alternate:
P. Casey.

Post No. 76—Lockport.

Com., R. Madden.
S. V., J. K. Swick.
J. V., G. Green.
Delegate:
J. A. Carpenter.
Alternate:
E. McCorney.

Post No. 77—New York City.

Com., W. Lear.
S. V., Philip Pitz.
J. V., Geo. Wenner.
Delegate:
C. E. Innes.
Alternate:
John Holtan.

Post No. 78—Seneca Falls.

Com., J. H. Winters.
S. V., I. B. Race.
J. V., J. H. Springsted.
Delegate:
H. H. Jones.
Alternate:
J. H. Springsted.

Post No. 79—New York City.

Com., S. K. Schwenk.
S. V., G. C. Cuttle.
J. V., M. Gormley.
Delegate:
J. H. Tennant.
Alternate:
M. Gormley.

Post No. 80—New York City.

Com., Chas. Just.
S. V., G. J. O'Reilley.
J. V., M. F. Powers.
Delegate:
G. J. O'Reilley.
Alternate:
B. Pierce.

Post No. 81—Bath.

Com., C. H. Bronson.
S. V., J. R. Bennett.
J. V., H. Dickerson.
Delegate:
H. C. Woods.
Alternate:
J. Faucett.

Post No. 82—Nyack.

Com., I. E. Pye.
S. V., C. S. Waldron.
J. V., S. A. Walters.
Delegate:
H. E. Smith.
Alternate:
R. B. Murray.

Post No. 83—Norwich.

Com., C. A. Sumner.

S. V., O. M. Snow.

J. V., J. Sherwood.

Delegate:

J. J. Haynes.

Alternate:

L. Crumb.

Post No. 84—Rochester.

Com., H. S. Redman.

S. V., C. P. Prentiss.

J. V., John Parks.

Delegate:

J. A. Burke.

Alternate:

B. Franklin.

Post No. 85—Portville.

Com., J. Both.

S. V., G. Baker.

J. V., W. E. Fiske.

Delegate:

E. M. Bedford.

Alternate:

Geo. Case.

Post No. 86—Belfast.

Com., E. Hitchings.

S. V., W. Kelley.

J. V., A. Johannes.

Delegate:

M. L. Butlar.

Alternate:

A. Johannes.

Post No. 87—Springville.

Com., G. H. Barker.

S. V., T. B. Norris.

J. V., S. E. Gillette.

Delegate:

Geo. D. Conger.

Alternate:

Ashley Stanbro.

Post No. 88—Wappingers Falls.

Com., J. Walsh.

S. V., G. H. Vossler.

J. V., Peter Burns.

Delegate:

J. O. Farrell.

Alternate:

J. H. Burnett.

Post No. 89—Brooklyn.

Com., T. A. Joseph.

S. V., R. Matthews.

J. V., J. Hodges.

Delegates:

J. McCollough.

E. W. Pipe.

Alternates:

J. A. Sutton.

Wm. Baker.

Post No. 90—Schenectady.

Com., W. Shepard.

S. V., A. Reese.

J. V., C. Friender.

Delegate:

Fred Steinhaur.

Alternate:

Frank Reynolds.

Post No. 91—Medina.

Com., H. J. Harding.

S. V., J. A. Smith.

J. V., S. S. Hill.

Delegate:

J. Benson.

Alternate:

J. W. Lake.

Post No. 92—Saratoga Springs.

Com., E. B. Deull.

S. V., E. Ham.

J. V., Wm. Lattimore.

Delegate:

E. H. Seabury.

Alternate:

J. S. Fassett.

Post No. 93—Penn Yan.

Com., C. C. Hicks.
 S. V., S. M. Whitbeck.
 J. V., O. R. Towner.
 Delegate:
 P. W. Danes.
 Alternate:
 E. Lewis.

Post No. 94—Geneva.

Com., P. H. Russell.
 S. V., Geo. McLaughlin.
 J. V., W. H. Steigelmair.
 Delegate:
 Hermon F. Fox.
 Alternate:
 O. T. May.

Post No. 95—Peekskill.

Com., G. L. Hughson.
 S. V., H. S. Free.
 J. V., Jere Curry.
 Delegate:
 E. G. McChain.
 Alternate:
 Thos. G. Depew.

Post No. 96—New York City.

Com., M. Deitsch.
 S. V., Edward Rate.
 J. V., M. McDonald.
 Delegate:
 T. Weberg.
 Alternate:
 Edward Rate.

Post No. 97—Boonville.

Com., G. P. Noble.
 S. V., A. Dellenbeck.
 J. V., J. Allum.
 Delegate:
 Alb. Snow.
 Alternate:
 O. A. Berlingame.

Post No. 98—Cortland.

Com., W. R. Weld.
 S. V., R. J. Lucas.
 J. V., D. C. Beers.
 Delegate:
 H. T. Bushnell.
 Alternate:
 H. M. Kellogg.

Post No. 99—Newark.

Com., F. E. Brown.
 S. V., A. D. Soverhill.
 J. V., S. S. Richards.
 Delegate:
 S. N. Keener.
 Alternate:
 E. K. Burnham.

Post No. 100—New York City.

Com., P. J. L. Searing.
 S. V., T. J. Walker.
 J. V., Geo. A. Teller.
 Delegate:
 Stephen G. Cook.
 Alternate:
 John Hassell.

Post No. 101—Perry.

Com., W. B. Tallman.
 S. V., J. M. Hewitt.
 J. V., Wm. H. Hull.
 Delegate:
 Robert Kershaw.
 Alternate:
 Chas. H. Starr.

Post No. 102—Moriah Center.

Com., M. W. Dean.
 S. V., C. Acome.
 J. V., E. E. Hanchett.
 Delegate:
 A. H. Woodruff.
 Alternate:
 Wm. H. Fountain.

Post No. 103—New York City.

Com., J. L. Ward.
S. V., A. N. Blakeman.
J. V., I. Tailor.

Delegate:
J. C. Crane.
Alternate:
J. C. Kafer.

Post No. 104—Rhinebeck.

Com., Geo. Tremper.
S. V., A. C. McCurdy.
J. V., A. L. Ostrom.

Delegate:
C. A. Nichols.
Alternate:
W. B. Brown.

Post No. 105—Homer.

Com., H. Harrington.
S. V., W. Wakefield.
J. V., E. E. Wakefield.

Delegate:
F. D. Carpenter.
Alternate:
P. Pierce.

Post No. 106—Rochester.

Com., J. Ropelt.
S. V., J. Walter.
J. V., J. Meinhard.

Delegate:
J. J. Augustin.
Alternate:
Christ. Stein.

Post No. 107—Shortsville.

Com., J. Carson.
S. V., C. M. Sisco.
J. V., J. Youngs.

Delegate:
C. M. Sisco.
Alternate:
C. Van Buren.

Post No. 108—Binghamton.

Com., L. H. Brown.
S. V., S. Foster Block.
J. V., Wm. H. Bristol.

Delegate:
Burrett Brown.
Alternate:
Albert Knapp.

Post No. 109—Sodus.

Com., E. H. Sentell.
S. V., C. Mills.
J. V., L. J. Sweet.

Delegate:
M. J. Seymour.
Alternate:
H. Taylor.

Post No. 110—Ilion.

Com., W. H. Deyle.
S. V., W. W. Young.
J. V., C. L. Hicox.

Delegate:
W. B. Chandler.
Alternate:
D. J. LeRoy.

Post No. 111—Pulaski.

Com., H. Douglass.
S. V., F. H. Cross.
J. V., W. A. Austin.

Delegate:
G. W. Seaman.
Alternate:
Alex. Obey.

Post No. 112—New Brighton.

Com., E. Openshaw.
S. V., M. F. Ball.
J. V., John Bostrom.

Delegate:
John H. Eadie.
Alternate:
P. J. Fallow.

Post No. 113—New York City.

Com., J. Friary.

S. V., P. Griffin.

J. V., F. M. Fosdick.

Delegate:

Isaac Adamsky.

Alternate:

John Maroney.

Post No. 114—Albion.

Com., F. J. Trumble.

S. V., D. R. Kimbal.

J. V., Geo. Curran.

Delegate:

H. J. Babbitt.

Alternate:

S. W. Smith.

Post No. 115—Middlesex.

Com., D. T. Mothersill.

S. V., M. S. Elsworth.

J. V., T. S. Powers.

Delegate:

E. R. Perry.

Alternate:

E. D. Adams.

Post No. 116—Schuylerville.

Com., G. W. Elliott.

S. V., J. E. Wilcox.

J. V., E. C. Dixon.

Delegate:

C. H. McNaughton.

Alternate:

M. H. DeLong.

Post No. 117—Coeymans.

Com., M. J. Bailey.

S. V., J. H. Sitzer.

J. V., Robert Wilson.

Delegate:

Geo. Sharpe.

Alternate:

Post No. 118—Philmont.

Com., E. Christian.

S. V., H. Stuppelbeau.

J. V., Daniel Osborn.

Delegate:

Wm. Steitz.

Alternate:

Myron Wheeler.

Post No. 119—Oneonta.

Com., J. C. Richmond.

S. V., G. R. Makeley.

J. V., Ezra Longway.

Delegate:

C. L. Wilbur.

Alternate:

Jeremiah Ellett.

Post No. 120—Katonah.

Com., J. C. Tuttle.

S. V., E. S. Folsom.

J. V., John Cargin.

Delegate:

R. A. Reynolds.

Alternate:

Edgar Hitt.

Post No. 121—Albany.

Com., Augustus Pruyn.

S. V., Stephen Paddock.

J. V., Allen Jones.

Delegate:

James Loftus.

Alternate:

Chas. H. Ellis.

Post No. 122—Brooklyn.

Com., C. Fredericks.

S. V., John Mess.

J. V., Geo. Renz.

Delegate:

Geo. Deitrich.

Alternate:

John Leonard.

Post No. 123—Newfield.

Com., H. Cornish.
S. V., C. Wallenbeck.
J. V., A. Satterly.

Delegate:

Aaron Poyer.

Alternate:

G. W. Peck.

Post No. 124—Unadilla.

Com., D. R. Harris.
S. V., G. L. Fisk.
J. V., S. Phillips.

Delegate:

W. G. Hotaling.

Alternate:

J. J. Sweet.

Post No. 125—Sanborn.

Com., W. Q. Huggins.
S. V., A. Hause.
J. V., A. J. Haseley.

Delegate:

A. Hause.

Alternate:

Thomas Mills.

Post No. 126—Wilson.

Com., R. A. Ferris.
S. V., A. Mudge.
J. V., H. H. Wright.

Delegate:

L. D. Levan.

Alternate:

Levi G. Pettit.

Post No. 127—Kingston.

Com., J. H. Everett.
S. V., James S. Dean.
J. V., G. A. Hart.

Delegates:

E. H. Fassett.

W. S. Van Kuren.

Griffin A. Hart.

Alternates:

James S. Dean.

Hiram Hames.

Fred P. Rone.

Post No. 128—New York City.

Com., D. F. Crowley.
S. V., John Flaherty.
J. V., Henry Layman.

Delegate:

W. J. Barry.

Alternate:

Jacob Jacobs.

Post No. 129—Tonawanda.

Com., G. G. Schuinger.
S. V., T. Lester.
J. V., E. McMerrick.

Delegate:

Geo. Bruner.

Alternate:

C. B. Parker.

Post No. 130—Warsaw.

Com., E. M. Jennings.
S. V., John Knox.
J. V., C. Holly.

Delegate:

W. H. Cornell.

Alternate:

H. W. Burlingame.

Post No. 131—Vacant.

Post No. 132—Franklin.

Com., A. Phelps.
S. V., Alex. Rose.
J. V., H. E. Baldwin.

Delegate:

Joseph Eveland.

Alternate:

S. D. Reynolds.

Post No. 133—Niagara Falls.

Com., G. E. Curtis.
 S. V., Thos. Johnson.
 J. V., D. S. Porter.
 Delegate:
 L. A. Dietrick.
 Alternate:
 D. S. Porter.

Post No. 134—Lestershire.

Com., F. A. Johnson.
 S. V., C. W. Johnson.
 J. V., J. W. Allen.
 Delegate:
 I. W. Butler.
 Alternate:
 S. B. Knapp.

Post No. 135—New York City.

Com., G. E. Dewey.
 S. V., W. R. Vail.
 J. V., H. Holden.
 Delegate:
 N. W. Day.
 Alternate:
 C. Ten Eyck.

Post No. 136—New York City.

Com., J. A. Murray.
 S. V., P. Zimmerman.
 J. V., C. E. Curtis.
 Delegate:
 G. Chappell.
 Alternate:
 N. W. Jewett.

Post No. 137—Greene.

Com., W. H. Spencer.
 S. V., G. H. Hall.
 J. V., H. Winters.
 Delegate:
 G. H. Hall.
 Alternate:
 H. Winters.

Post No. 138—Hudson.

Com., J. W. Moon.
 S. V., R. Husted.
 J. V., J. W. Ploss.
 Delegate:
 Eugene Secor.
 Alternate:
 Harmon Lasher.

Post No. 139—Steamburg.

Com., A. H. King.
 S. V., H. Morrison.
 J. V., John Hackett.
 Delegate:
 D. F. Reeves.
 Alternate:
 John Hackett.

Post No. 140—New York City.

Com., F. C. Barger.
 S. V., G. E. Dunlap.
 J. V., E. T. Bragaw.
 Delegates:
 A. M. Lowry.
 A. B. Valieant.
 J. S. Thompson.
 R. L. Salisbury.
 H. O. Clark.
 Alternates:
 E. T. Bragaw.
 J. H. Howlett.
 W. A. Sheldon.
 W. F. Brown.
 A. T. Francis.

Post No. 141—Troy.

Com., C. A. Bundy.
 S. V., James Lowe.
 J. V., W. J. Nelson.
 Delegate:
 J. E. Vandenburg.
 Alternate:
 C. F. Fahl.

Post No. 142—Delhi.

Com., H. E. Stoutenburgh.

S. V., J. K. Penfield.

J. V., A. M. Crawford.

Delegate:

G. C. Smith.

Alternate:

J. K. Penfield.

Post No. 143—New York City.

Com., A. F. Clausen.

S. V., F. Lubo.

J. V., J. Haley.

Delegate:

G. Schildwachter.

Alternates:

J. Cummings.

Post No. 144—Ossining.

Com., H. Osborn.

S. V., J. O. Knapp.

J. V., E. Valentine.

Delegate:

W. W. Ryder.

Alternate:

John Gibney.

Post No. 145—Phoenix.

Com., L. C. Taggart.

S. V., A. M. Burgess.

J. V., J. L. Decker.

Delegate:

W. Blakeman.

Alternate:

W. W. Sinclair.

Post No. 146—New York City.

Com., M. Donohue.

S. V., S. H. Griffen.

J. V., John Murray.

Delegate:

J. Mulligan.

Alternate:

W. Stuart.

Post No. 147—Glens Falls.

Com., G. F. Bryant.

S. V., J. Maxwell.

J. V., A. D. Simpson.

Delegate:

F. T. Hall.

Alternate:

R. S. Waters.

Post No. 148—Brooklyn.

Com., W. R. Kerr.

S. V., J. H. Jenkins.

J. V., S. Woods.

Delegate:

Thos. H. Kiernan.

Alternate:

H. C. Draper.

Post No. 149—Vacant.

Post No. 150—Harpersville.

Com., G. E. Hurlburt.

S. V., S. F. Estes.

J. V., G. B. Hickox.

Delegate:

H. E. Spencer.

Alternate:

Jonas Hobbs.

Post No. 151—Syracuse.

Com., F. A. M. Ball.

S. V., J. J. Phillips.

J. V., A. B. Tuttle.

Delegates:

J. W. Armstrong.

Wm. Sears.

W. H. Scott.

M. Auer.

Alternates:

Wm. Cooper.

J. W. Wickes.

L. O. Morgan.

B. Galloway.

Post No. 152—Brooklyn.

Com., W. Busch.
 S. V., C. H. Silvey.
 J. V., Elmer Chaphe.
 Delegate:
 Wm. Watson.
 Alternate:
 W. F. Earley.

Post No. 153—Lyons.

Com., L. L. Dickerson.
 S. V., F. Carr.
 J. V., R. M. Durkee.
 Delegate:
 H. C. Dunn.
 Alternate:
 D. E. Duell.

Post No. 154—Marathon.

Com., C. H. Bouton.
 S. V., O. Courtney.
 J. V., I. Richardson.
 Delegate:
 James E. Fish.
 Alternate:
 F. B. Greene.

Post No. 155—Moravia.

Com., W. V. Walker.
 S. V., E. M. Sincerbraux.
 J. V., H. Munn.
 Delegate:
 J. Donald.
 Alternate:
 F. N. Rose.

Post No. 156—Gouverneur.

Com., W. H. Hazelton.
 S. V., H. P. Legate.
 J. V., Wm. Bow.
 Delegate:
 L. Smith.
 Alternate:
 O. Welch.

Post No. 157—Esperance.

Com., M. J. Tompkins.
 S. V., E. N. Chapman.
 J. V., John Hunter.
 Delegate:
 Wm. J. McDuffee.
 Alternate:
 John Hunter.

Post No. 158—Brookton.

Com., J. E. Cole.
 S. V., W. B. Wolcott.
 J. V., J. Fenn.
 Delegate:
 W. V. Personius.
 Alternate:
 G. W. Personius.

Post No. 159—Fair Haven

Com., E. R. Robinson.
 S. V., Henry Brace.
 J. V., M. B. Dakins.
 Delegate:
 Chas. Howland.
 Alternate:
 F. J. Turner.

Post No. 160—Cazenovia.

Com., A. M. Smith.
 S. V., R. W. Parkinson.
 J. V., W. S. Faulkner.
 Delegate:
 G. W. Salisbury.
 Alternate:
 J. L. Jenkins.

Post No. 161—Canarsie (Bklyn).

Com., J. D. Frederick.
 S. V., J. R. Woffield.
 J. V., C. VerPlanck.
 Delegate:
 D. Gaitings.
 Alternate:
 John Reed.

Post No. 162—Canandaigua.

Com., D. F. McOmber.

S. V., J. H. Wood.

J. V., A. N. Fiero.

Delegate:

Albert F. Avery.

Alternate:

M. P. Worth.

Post No. 163—Tottenville.

Com., H. A. Yetman.

S. V., C. A. Thrall.

J. V., J. H. Carson.

Delegate:

D. S. Rickhow.

Alternate:

J. C. Heney.

Post No. 164—Skaneateles.

Com., J. A. Barber.

S. V., H. H. Loss.

J. V., H. W. Chase.

Delegate:

H. H. Loss.

Alternate:

G. B. Harwood.

Post No. 165—Elmira.

Com., D. H. Coon.

S. V., S. Vandermark.

J. V., A. E. Clark.

Delegate:

C. C. Spaulding.

Alternate:

G. W. Townsend.

Post No. 166—Weedsport.

Com., T. S. Barker.

S. V., F. D. Barnard.

J. V., A. G. Clapman.

Delegate:

A. B. Hallett.

Alternate:

O. J. Forman.

Post No. 167—Norwood.

Com., H. H. Bailey.

S. V., W. D. Stowell.

J. V., Jas. Ford.

Delegate:

D. J. Maher.

Alternate:

R. Amos.

Post No. 168—Highland.

Com., J. D. Platts.

S. V., J. Barnett.

J. V., W. F. Crum.

Delegate:

A. Williams.

Alternate:

W. F. Crum.

Post No. 169—Hermes.

Com., H. C. Maine.

S. V., W. E. Haskell.

J. V., E. W. Stevenson.

Delegate:

H. W. Day.

Alternate:

F. A. Stalbird.

Post No. 170—Mt. Vernon.

Com., C. W. Van Court.

S. V., W. E. Ohaver.

J. V., W. H. Van Cott, Jr.

Delegate:

A. Goodenough.

Alternate:

W. A. Anderson.

Post No. 171—Valatie.

Com., Henry Sheller.

S. V., James Grance.

J. V., John Sheldon.

Delegate:

J. Daughn.

Alternate:

W. Schemerhorn.

Post No. 172—Cardiff.

Com., G. L. Hoyt.
 S. V., B. L. Pomeroy.
 J. V., C. A. Halling.
 Delegate:
 E. C. Wright.
 Alternate:
 C. A. Halling.

Post No. 173—Clyde.

Com., C. S. Groesbeck.
 S. V., E. Gridley.
 J. V., L. Nicoli.
 Delegate:
 E. Gridley.
 Alternate:
 C. E. Wood.

Post No. 174—Oneida.

Com., M. B. Hope.
 S. V., M. L. Cramer.
 J. V., M. V. Harwood.
 Delegate:
 C. T. McDuffee.
 Alternate:
 D. B. Taylor.

Post No. 175—Port Byron.

Com., R. R. Stilwell.
 S. V., A. Hutchinson.
 J. V., J. Robinson.
 Delegate:
 Richard Warren.
 Alternate:
 Frank Garrity.

Post No. 176—Goshen.

Com., I. Fairchild.
 S. V., L. D. Adams.
 J. V., A. W. Whirden.
 Delegate:
 J. C. Coleman.
 Alternate:
 B. Hull.

Post No. 177—Sidney.

Com., C. P. Tyron.
 S. V., Watson Wilsey.
 J. V., M. V. Secor.
 Delegate:
 M. H. Robinson.
 Alternate:
 A. S. Miller.

Post No. 178—Middleport.

Com., L. E. Chudbuck.
 S. V., H. H. Rickford.
 J. V., J. B. Robson.
 Delegate:
 J. R. Warner.
 Alternate:
 H. H. Bickford.

Post No. 179—Haverstraw.

Com., W. Benson.
 S. V., L. Stork.
 J. V., G. B. Sutherland.
 Delegate:
 G. Asknew.
 Alternate:
 E. B. Weiant.

Post No. 180—Buffalo.

Com., J. Grobe.
 S. V., J. Zurbreck.
 J. V., J. Callahan.
 Delegate:
 J. Zurbrick.
 Alternate:
 G. C. Hartman.

Post No. 181—Vacant.**Post No. 182—New York City.**

Com., G. H. Taylor.
 S. V., F. W. Watkins.
 J. V., D. J. McAllister.
 Delegate:
 J. Beaver.
 Alternate:
 A. Dodds.

Post No. 183—Cuba.

Com., T. O. Regan.
S. V., A. J. Pierce.
J. V., C. M. Wood.
Delegate:
H. J. Swift.
Alternate:
E. H. Keller.

Post No. 184—Deposit.

Com., O. T. Bundy.
S. V., J. P. Mathews.
J. V., John Bush.
Delegate:
J. P. Mathews.
Alternate:
H. W. Wilcox.

Post No. 185—Brooklyn.

Com., D. Lee.
S. V., J. F. Smith.
J. V., S. F. Clarkson.
Delegate:
Robert Hill.
Alternate:
J. Marling.

Post No. 186—Alton.

Com., O. Hoxie.
S. V., James Perse.
J. V., J. Grippen.
Delegate:
Chas. Larock.
Alternate:
B. Kitchen.

Post No. 187—Brooklyn.

Com., W. C. Thompson.
S. V., F. Felton.
J. V., J. Diefenback.
Delegate:
A. Klein.
Alternate:
Philip Schoudt.

Post No. 188—Dexter.

Com., C. Foster.
S. V., M. Reeves.
J. V., A. Carter.
Delegate:
A. Lewis Morgan.
Alternate:
T. J. Strainge.

Post No. 189—Otego.

Com., A. E. Hughston.
S. V., J. Delaney.
J. V., M. H. Baldwin.
Delegate:
Y. L. Hunt.
Alternate:
W. H. Baldwin.

Post No. 190—Dalton.

Com., H. S. Lyon.
S. V., E. A. Allen.
J. V., W. N. Chamberlain.
Delegate:
A. E. Allen.
Alternate:
B. F. Town.

Post No. 191—Ellenville.

Com., O. B. Seaman.
S. V., S. I. Benson.
J. V., Thomas Collins.
Delegate:
I. Jeliff.
Alternate:
L. F. Hall.

Post No. 192—New York City.

Com., A. Loewenthal.
S. V., N. S. Brown.
J. V., N. Arnow.
Delegate:
Henry Fera.
Alternate:
I. Alexander.

Post No. 193—Palmyra.

Com., H. P. Knowles.

S. V., F. W. Clemons.

J. V., James West.

Delegate:

F. W. Clemons.

Alternate:

A. P. Seeley.

Post No. 194—Canistota.

Com., L. Barnes.

S. V., W. Norton.

J. V., H. Crosby.

Delegate:

H. E. Buck.

Alternate:

W. K. Thacher.

Post No. 195—Belmont.

Com., J. Johnson.

S. V., W. Latham.

J. V., Geo. Sortor.

Delegate:

D. Sherwood.

Alternate:

G. Sortor.

Post No. 196—Oxford.

Com., A. B. Bennett.

S. V., L. G. Lindsay.

J. V., W. A. Carl.

Delegate:

J. O. Clarke.

Alternate:

L. G. Lindsay.

Post No. 197—Brooklyn.

Com., D. P. Cameron.

S. V., W. A. G. Hooton.

J. V., J. A. Schilling.

Delegate:

G. A. Hussey.

Alternate:

S. C. Yeaton.

Post No. 198—Altamont.

Com., N. Ketchum.

S. V., John Newman.

J. V., J. J. Gallup.

Delegate:

John Newman.

Alternate:

P. J. Ogsbury.

Post No. 199—Whitney's Point.

Com., E. B. Black.

S. V., J. H. Sawdry.

J. V., J. A. Ames.

Delegate:

Jasper Smith.

Alternate:

W. H. Waterman.

Post No. 200—Lowville.

Com., H. E. Turner.

J. V., A. M. Lamphere.

J. V., J. Jaquin.

Delegates:

W. W. Stevens.

Joseph Gibbs.

Alternates:

J. D. Thomas.

D. E. Brown.

Post No. 201—King's Ferry.

Com., C. T. Lisk.

S. V., E. W. Stork.

J. V., L. A. Goodyear.

Delegate:

L. A. Goodyear.

Alternate:

J. L. Jones.

Post No. 202—Angola.

Com., Wm. Townsend.

S. V., Edward Barry.

J. V., L. C. Walker.

Delegate:

C. C. Robinson.

Alternate:

E. G. Fanton.

Post No. 203—King's Bridge.

Com., J. Parsons.
S. V., S. M. Dougall.
J. V., A. Emery.
Delegate:
T. Evans.
Alternate:
C. B. Hebble.

Post No. 204—Rensselaer.

Com., W. H. Flint.
S. V., J. E. Johnson.
J. V., T. Rhodes.
Delegate:
C. E. Fairchild.
Alternate:
Theodore Rhodes.

Post No. 205—Monticello.

Com., W. B. McMillen.
S. V., J. Walker.
J. V., A. G. Smith.
Delegate:
C. A. Smith.
Alternate:
David Robinson.

Post No. 206—Brooklyn.

Com., T. N. Travers.
S. V., L. Rhodes.
J. V., John Plock.
Delegate:
J. H. Thomas.
Alternate:
James Fay.

Post No. 207—Brooklyn.

Com., Pier Zeno.
S. V., S. Bridges.
J. V., J. H. Ferguson.
Delegate:
Steven Farmer.
Alternate:
W. H. Standsburg.

Post No. 208—Buffalo.

Com., Robert Macnally.
S. V., John Donohue.
J. V., Albert Tibo.
Delegate:
Henry Munzert.
Alternate:
Geo. Sores.

Post No. 209—Walton.

Com., M. W. Marvin.
S. V., C. H. Weaver.
J. V., W. H. Metcalf.
Delegate:
G. O. Mead.
Alternate:
D. E. McLean.

Post No. 210—Patchogue.

Com., R. H. Parks.
S. V., C. S. Hawkins.
J. V., Edbert Foster.
Delegate:
C. S. Hawkins.
Alternate:
J. H. Peck.

Post No. 211—Fairport.

Com., C. Hutchinson.
S. V., I. Brown.
J. V., B. Silver.
Delegate:
S. J. Robbins.
Alternate:
J. S. Kelsey.

Post No. 212—New Paltz.

Com., W. H. D. Blake.
S. V., S. J. Yeaple.
J. V., Alex. Ferguson.
Delegate:
Chas. Smith.
Alternate:
S. J. Yeaple.

Post No. 213—Malone.

Com., Orville Moore.
S. V., A. C. Hadley.
J. V., C. N. Daley.
Delegate:
Thos. Hinde.
Alternate:
A. C. Hadley.

Post No. 214—Potsdam.

Com., J. S. Fox.
S. V., J. McGilvary.
J. V., M. LaLone.
Delegate:
M. V. B. Ives.
Alternate:
W. H. Walling.

Post No. 215—Saugerties.

Com., G. E. Carnright.
S. V., A. Turck.
J. V., Geo. Freligh.
Delegate:
E. L. Quick.
Alternate:
J. E. Cole.

Post No. 216—Dansville.

Com., S. Allen.
S. V., Chas. McLaughlin.
J. V., J. Murphy.
Delegate:
O. Woodruff.
Alternate:
J. J. Bailey.

Post No. 217—Sandy Creek.

Com., J. K. Crandall.
S. V., H. H. Cole.
J. V., R. A. Soule.
Delegate:
M. J. Salisbury.
Alternate:
O. J. Woodard.

Post No. 218—Arcade.

Com., W. Howard.
S. V., P. Morse.
J. V., Arthur Norton.
Delegate:
F. M. Smith.
Alternate:
Albert Denison.

Post No. 219—Attica.

Com., A. G. Rykert.
S. V., C. C. Nichols.
J. V., E. A. Ensign.
Delegate:
C. E. Bascom.
Alternate:
D. S. Spring.

Post No. 220—North Collins.

Com., G. H. Davis.
S. V., Jas Hussey.
J. V., Geo. Barringer.
Delegate:
E. A. Hibbard.
Alternate:
Joseph Warner.

Post No. 221—Andes.

Com., Wm. R. Seacord.
S. V., Andrew Anderson.
J. V., Jas. Anderson.
Delegate:
Francis Heimer.
Alternate:
Joseph L. Hughes.

Post No. 222—Olean.

Com., L. Y. Miller.
S. V., S. J. Daniels.
J. V., Henry Gale.
Delegate:
S. J. Daniels.
Alternate:
A. L. Pierce.

100 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Post No. 223—Gilbertsville.

Com., C. C. Cady.
S. V., H. W. Babcock.
J. V., S. A. Silvey.
Delegate:
W. S. Gilbert.
Alternate:
Harvey Trass.

Post No. 224—South Valley.

Com., E. M. Hunt.
S. V., A. Cady.
J. V., D. Harloin.
Delegate:
D. S. Ely.
Alternate:
H. Hadsell.

Post No. 225—East Bloomfield.

Com., C. E. Taylor.
S. V., O. E. Thorpe.
J. V., E. J. Springstein.
Delegate:
E. J. Springstein.
Alternate:
O. E. Thorpe.

Post No. 226—Hornellsville.

Com., W. S. Newman.
S. V., R. W. Barney.
J. V., H. M. Horton.
Delegate:
Geo. Hollands.
Alternate:
Chas. N. Allen.

Post No. 227—Clinton.

Com., W. E. Bowen.
S. V., C. H. Austin.
J. V., E. Wescott.
Delegate:
G. Lapping.
Alternate:
S. W. Raymond.

Post No. 228—Ransomville.

Com., W. F. Powell.
S. V., E. Irish.
J. V., S. Travis.
Delegate:
Wm. Loff.
Alternate:
Elexander Irish.

Post No. 229—Pike.

Com., Geo. Antee.
S. V., F. Murphy.
J. V., J. McCarvey.
Delegate:
Francis Murphy.
Alternate:
S. E. Lisk.

Post No. 230—Genoa.

Com., B. A. Arnold.
S. V., S. S. Smith.
J. V., A. Myers.
Delegate:
S. S. Smith.
Alternate:
C. L. Younglove.

Post No. 231—Brooklyn.

Com., J. H. Bird.
S. V., J. P. Hall.
J. V., Henry Larson.
Delegate:
P. Scherff.
Alternate:
S. M. Schriver.

Post No. 232—Ellicottville.

Com., H. E. Bulles.
S. V., J. Longhuns.
J. V., S. Hoag.
Delegate:
T. R. Aldrich.
Alternate:
M. Bowen.

Post No. 233—Brooklyn.

Com., A. H. Schumann.

S. V., C. J. Warren.

J. V., J. J. Brown.

Delegate:

G. F. Higgins.

Alternate:

J. Bravy.

Post No. 238—Johnsonburg.

Com., D. B. Whipple.

S. V., F. L. Head.

J. V., F. C. Reiber

Delegate:

J. W. Jones.

Alternate:

H. D. Warren.

Post No. 234—New York City.

Com., E. A. Tolliver.

S. V., E. E. Williams.

J. V., F. A. Lewis.

Delegate:

G. E. Bennett.

Alternate:

C. R. King.

Post No. 239—Buffalo.

Com., J. G. Baker.

S. V., J. W. Preston.

J. V., A. E. Grover.

Delegate:

M. Haskin.

Alternate:

J. McAlpin.

Post No. 235—Avon.

Com., A. H. Smith.

S. V., Smith Jones.

J. V., H. Chase.

Delegate:

H. Chase.

Alternate:

E. H. Babcock.

Post No. 240—Cohocton.

Com., N. J. Wagner.

S. V., S. Mehlenbacher.

J. V., Joseph Jenks.

Delegate:

S. Mehlenbacher.

Alternate:

Wm. A. Field.

Post No. 236—Brookport.

Com., C. Miller.

S. V., S. H. Holbrook.

J. V., H. Allen.

Delegate:

A. D. Dailey.

Alternate:

A. S. Lewis.

Post No. 241—Friendship.

Com., A. Jordan.

S. V., W. Waldron.

J. V., A. J. Coon.

Delegate:

A. J. Coon.

Alternate:

D. S. Jordan.

Post No. 237—Wiscoy.

Com., P. C. Soule.

S. V., H. P. Burnell.

J. V., Frank Caryl

Delegate:

S. A. Farman.

Alternate:

F. J. Davidson.

Post No. 242—Gloversville.

Com., D. H. Cole.

S. V., A. V. Kenney.

J. V., Daniel Abbey.

Delegate:

J. H. Swartout.

Alternate:

W. Pedrick.

Post No. 243—Pavilion.

Com., J. A. Dow.
S. V., J. Conner.
J. V., Sidney McWithney.

Delegate:
Sidney McWithney.
Alternate:
J. W. Dow.

Post No. 244—Arena.

Com., W. S. Dickson.
S. V., R. E. Haddow.
J. V., J. B. Wickham.

Delegate:
R. E. Haddow.
Alternate:

Post No. 245—Newark Valley.

Com., J. W. Belcher.
S. V., G. R. Dykeman.
J. V., J. A. Campbell.

Delegate:
J. M. Clifford.
Alternate:
A. T. Wheat.

Post No. 246—Little Valley.

Com., J. A. Seekins.
S. V., A. Reed.
J. V., John Puls.

Delegate:
C. P. Rice.
Alternate:
W. J. Smith.

Post No. 247—Bolivar.

Com., E. J. Scott.
S. V., W. H. Merritt.
J. V., E. W. McDowell.

Delegate:

J. Dunning.
Alternate:
E. W. Cowles.

Post No. 248—Bath S. & S.

Com., G. Erhardt.
S. V., D. Oberlies.
J. V., Wm. G. Crum.

Delegate:
H. Zimmerman.
Alternate:
E. B. Furbish.

Post No. 249—Richburg.

Com., J. T. King.
S. V., H. Hurlbert.
J. V., E. P. Rogers.

Delegate:
F. C. Carryer.
Alternate:
J. C. Holcomb.

Post No. 250—Ithaca.

Com., Reuben Gee.
S. V., W. H. Birdsall.
J. V., Geo. Wolcott.

Delegate:
F. E. Bates.
Alternate:
Alonzo Hausner.

Post No. 251—Red Creek.

Com., G. W. Brinkerhoff.
S. V., D. N. Hunter.
J. V., E. T. Mellman.

Delegate:
O. J. Frost.
Alternate:

Post No. 252—Ticonderoga.

Com., W. J. Bryan.

S. V., A. Weed.

J. V., S. G. Bryan.

Delegates:

John Tafft.

Myron Reecord.

Alternates:

W. Odell.

Oliver Myott.

Post No. 253—Gansevoort.

Com., A. D. Lord.

S. V., W. G. Gifford.

J. V., W. H. Brate.

Delegate:

W. G. Gifford.

Alternate:

G. H. Ellison.

Post No. 254—Buffalo.

Com., H. J. Messing.

S. V., S. G. Peters.

J. V., J. M. Overfield.

Delegate:

Chas. McBean.

Alternate:

J. M. Overfield.

Post No. 255—New York City.

Com., S. W. Smith.

S. V., S. W. Carr.

J. V., Peter Batten.

Delegate:

I. D. Fox.

Alternate:

A. Frank.

Post No. 256—Richfield Springs.

Com., C. H. Schramlin.

S. V., D. Williams.

J. V., Gilbert Wiess.

Delegate:

Richard Weldon.

Alternate:

James Casler.

Post No. 257—Johnstown.

Com., J. A. Karg.

S. V., D. Lesser.

J. V., V. J. Lasher.

Delegate:

J. Keck.

Alternate:

V. J. Lasher.

Post No. 258—Barker.

Com., W. S. Thompson.

S. V., F. L. Bristol.

J. V., Wm. P. Hoffman.

Delegate:

S. E. Armstrong.

Alternate:

H. W. Hewitt.

Post No. 259—New York City.

Com., E. B. Coursen.

S. V., L. F. Whitbeck.

J. V., Chas. Fues.

Delegate:

J. W. England.

Alternate:

Chas. Dickinson.

Post No. 260—Groton.

Com., J. L. Love.

S. V., T. B. Hopkins.

J. V., A. O. Hitchcock.

Delegate:

A. L. Tanner.

Alternate:

D. O. Clough.

Post No. 261—Scio.

Com., I. M. Miles.
S. V., I. Goodwin.
J. V., M. P. Clark.
Delegate:
U. M. Deck.
Alternate:
S. S. Perkins.

Post No. 262—Redfield.

Com., S. L. Griffith.
S. V., D. A. Jones.
J. V., N. Randall.
Delegate:
G. G. Simons.
Alternate:
Norman Randall.

Post No. 263—Hunter.

Com., W. Howard.
S. V., H. Rogers.
J. V., M. Erskin.
Delegate:
A. Briggs.
Alternate:
A. S. Graham.

Post No. 264—New York City.

Com., A. Dulon.
S. V., G. W. Kline.
J. V., J. C. Martin.
Delegate:
J. P. Heintz.
Alternate:
S. Hamburger.

Post No. 265—Altmar.

Com., H. Lyman.
S. V., Jos. Barber.
J. V., O. B. Jacobs.
Delegate:
J. C. Parkhurst.
Alternate:
O. B. Jacobs.

Post No. 266—Middletown.

Com., W. H. Rogers.
S. V., J. E. F. Cleghorn.
J. V., J. W. Ayers.
Delegates:
A. B. Wheeler.
J. Hirst.
Alternates:
J. E. F. Cleghorn.
E. W. Tice.

Post No. 267—Granville.

Com., S. K. Potter.
S. V., J. Stevens.
J. V., Alford Lewis.
Delegate:
W. H. Hollister.
Alternate:
A. C. Potter.

Post No. 268—Cape Vincent.

Com., C. I. Gardner.
S. V., E. B. Moore.
J. V., R. A. Davis.
Delegate:
E. B. Moore.
Alternate:
J. H. Parker.

Post No. 269—Carthage.

Com., G. W. Earl.
S. V., John Varley.
J. V., S. Knowles.
Delegate:
J. H. Walsh.
Alternate:
W. R. Hill.

Post No. 270—Spencerport.

Com., O. T. Hubbell.
S. V., I. D. Harrison.
J. V., E. A. Jones.
Delegate:
H. P. Todd.
Alternate:
Wm. F. Filer.

Post No. 271—Fulton.

Com., W. D. Ferguson.

S. V., E. Waugh.

J. V., Levi Kelley.

Delegate:

Geo. Coles.

Alternate:

J. H. Stewart.

Post No. 272—Hamilton.

Com., A. M. Stevens.

S. V., E. Fisher.

J. V., D. William.

Delegate:

J. W. Dye.

Alternate:

L. Lewis.

Post No. 273—Henderson.

Com., F. Hadcock.

S. V., W. A. Penney.

J. V., J. M. Golden.

Delegate:

A. G. Lawrence.

Alternate:

_____.

Post No. 274—Sag Harbor.

Com., G. C. Morris.

S. V., J. E. Bunnell.

J. V., C. B. Wade.

Delegate:

J. M. Strong.

Alternate:

T. F. Haines.

Post No. 275—Webster.

Com., R. Morley.

S. V., Frank Elmore.

J. V., R. Cory.

Delegate:

A. J. Pratt.

Alternate:

A. J. Willard.

Post No. 276—Corning.

Com., J. S. Billington.

S. V., A. P. Hollister.

J. V., Geo. O. Reiley.

Delegate:

W. H. Clark.

Alternate:

John Fowler.

Post No. 277—Corning.

Com., P. D. Haradon.

S. V., Wm. Lindsley.

J. V., Jason Stevens.

Delegate:

E. A. Sturtevant.

Alternate:

Wm. Lindsley.

Post No. 278—Baldwinsville.

Com., A. R. Failing.

S. V., J. P. Failing.

J. V., W. H. Thorn.

Delegate:

A. P. Clark.

Alternate:

J. P. Failing.

Post No. 279—Port Jervis.

Com., M. Van Aken.

S. V., J. Nyee.

J. V., T. Atwood.

Delegate:

J. Nyee.

Alternate:

L. Cekle.

Post No. 280—Downsville.

Com., S. E. Hunter.

S. V., W. P. Hotchkiss.

J. V., C. A. Hanford.

Delegate:

N. C. Vadeker.

Alternate:

O. S. Baker.

Post No. 281—No. Tonawanda.

Com., E. Bell.
S. V., Wm. Finch.
J. V., John Howard.

Delegate:
H. A. Ferris.
Alternate:
_____.

Post No. 282—Kennedy.

Com., N. Cheney.
S. V., C. H. Taylor.
J. V., P. C. Stedman.

Delegate:
G. C. Nichols.
Alternates:
G. C. Stedman.

Post No. 283—Long Island City.

Com., C. Tucmacher.
S. V., G. W. Smith.
J. V., M. Duggan.

Delegate:
B. J. McGacaen.
Alternate:
J. M. Zerman.

Post No. 284—Malone.

Com., R. Erwin.
S. V., H. N. Barrett.
J. V., T. Westcott.

Delegate:
F. H. Cramer.
Alternate:
A. Boyea.

Post No. 285—Jamestown.

Com., S. Willard.
S. V., A. H. Stafford.
J. V., G. M. Davis.

Delegates:
A. H. Stafford.
L. L. Hanchett.
Alternates:
J. A. Brown.
J. Douglas.

Post No. 286—Brooklyn.

Com., R. Forfar.
S. V., J. H. Stadtler.
J. V., W. H. Baker.

Delegate:
E. Wakefield.
Alternate:
H. Allen.

Post no. 287—Cattaraugus.

Com., L. Bartholomew.
S. V., I. H. Boardman.
J. V., G. W. Carey.

Delegate:
O. White.
Alternate:
J. L. Merritt.

Post No. 288—Pittsford.

Com., J. B. Bacon.
S. V., M. D. French.
J. V., M. Lavin.

Delegate:
J. C. Gillam.
Alternate:
M. D. French.

Post No. 289—Broadalbin.

Com., A. A. Gardner.
S. V., Farley Kimball.
J. V., B. Satterlee.

Delegate:
W. C. Howe.
Alternate:
Lorenzo Ecker.

Post No. 290—Corinth.

Com., H. H. Carpenter.
S. V., H. W. Mallery.
J. V., J. Vandosere.

Delegate:
G. W. How.
Alternate:
A. C. Hickok.

Post No. 291—South Butler.

Com., F. R. Pierson.
 S. V., C. Blanchard.
 J. V., H. Lanning.
 Delegate:
 W. Taylor.
 Alternate:
 C. H. Lampman.

Post No. 292—Brocton.

Com., A. Mathews.
 S. V., A. A. Fay.
 J. V., J. Bullock.
 Delegate:
 A. A. Fay.
 Alternate:
 H. Haight.

Post No. 293—Rockland.

Com., M. N. Dodge.
 S. V., J. S. Beattie.
 J. V., Gilbert Kinch.
 Delegate:
 J. Crammer.
 Alternate:
 J. L. Beattie.

Post No. 294—Hoosick Falls.

Com., P. Lahany.
 S. V., A. B. Davis.
 J. V., F. A. Thompson.
 Delegate:
 F. Morrison.
 Alternate:
 James Dennis.

Post No. 295—Sherman.

Com., A. B. Smith.
 S. V., A. Stebbins.
 J. V., Jason McGray.
 Delegate:
 A. Stebbins.
 Alternate:
 F. Dutton.

Post No. 296—Canaseraga.

Com., B. Bennett.
 S. V., I. I. Green.
 J. V., G. M. Conklin.
 Delegate:
 N. S. Fay.
 Alternate:
 C. Mehlenbacher.

Post No. 297—Randolph.

Com., S. Z. Fisher.
 S. V., W. R. Shannon.
 J. V., H. D. Litchfield.
 Delegate:
 J. G. Johnson.
 Alternate:
 A. G. Dow, Jr.

Post No. 298—Kendall.

Com., M. W. Kidder.
 S. V., G. W. Sweet.
 J. V., W. R. Curtis.
 Delegate:
 G. W. Sweet.
 Alternate:
 C. L. Barher.

Post No. 299—Batavia.

Com., E. Powers.
 S. V., J. F. Read.
 J. V., H. H. Hanes.
 Delegate:
 H. F. Tarbox.
 Alternate:
 T. Lynch.

Post No. 300—Black River.

Com., W. J. Horton.
 S. V., W. Wooley.
 J. V., Geo. Gilispie.
 Delegate:
 S. Mix.
 Alternate:
 C. A. Carpenter.

Post No. 301—Middletown.

Com., C. W. Rice.
S. V., W. C. F. Bastian.
J. V., R. J. Wilson.

Delegate:
E. L. Sproat.
Alternate:
A. B. Wilbur.

Post No. 302—Brewster.

Com., Frank Wells.
S. V., W. Gilbert.
J. V., I. W. Parker.

Delegates:
L. H. Secor.
I. W. Parker.

Alternates:
G. Gilbert.
W. W. Smith.

Post No. 303—Cheshire.

Com., T. C. Townsend.
S. V., G. Prowty.
J. V., A. Janeson.

Delegate:
C. F. Batchelor.
Alternate:
J. Hall.

Post No. 304—Cherry Creek.

Com., C. Bullock.
S. V., W. Wildley.
J. V., Geo. Oswill.

Delegate:
S. A. Helmick.
Alternate:
Geo. Oswill.

Post No. 305—Vacant.

Post No. 306—Theresa.

Com., W. L. Devendorf.
S. V., G. Schaumont.
J. V., Simon Daily.

Delegate:
A. J. Jarvis.
Alternate:
J. Goodenough.

Post No. 307—New York City.

Com., J. K. Darragh.
S. V., M. J. O. Donovan.
J. V., S. Bridge.

Delegate:
P. H. Scott.
Alternate:
H. D. Oler.

Post No. 308—Mayville.

Com., B. A. Sperry.
S. V., R. F. Lonnann.
J. V., A. McKittrick.

Delegate:
Herman Sixbey.
Alternate:
N. P. Arnold.

Post No. 309—Cambridge.

Com., W. Lawton.
S. V., Henry Wood.
J. V., G. Bentley.

Delegate:
M. McFarland.
Alternate:
J. D. Leigh.

Post No. 310—Leon.

Com., Orin Bump.
S. V., Clinton Kelly.
J. V., H. R. Hallester.

Delegate:
G. Graves.
Alternate:
A. J. Eldridge.

Post No. 311—Liberty.

Com., S. J. Gregory.

S. V., W. J. Gerow.

J. V., J. Garman.

Delegate:

W. J. Gerow.

Alternate:

Michael Wasim.

Post No. 317—Sinclareville.

Com., W. E. Strong.

S. V., W. Robins.

J. V., F. H. Ferry.

Delegate:

B. G. Erwin.

Alternate:

G. W. Cogswell.

Post No. 312—Watervliet.

Com., F. J. McQuirk.

S. V., E. J. McGuire.

J. V., E. Blackburn.

Delegate:

E. Van Leuven.

Alternate:

Benj. Hodby.

Post No. 318—Vacant.**Post No. 319—Vacant.****Post No. 313—New York City.**

Com., M. H. Whalen.

S. V., W. J. Mathews.

J. V., Wm. Looney.

Delegate:

J. M. Beickert.

Alternate:

W. Clancey.

Post No. 320—Williamson.

Com., J. L. Smith.

S. V., A. Coutant.

J. V., J. N. Thompson.

Delegate:

W. J. Cheetham.

Alternate:

D. F. Russell.

Post No. 321—Vacant.**Post No. 314—Wayland.**

Com., G. W. Marts.

S. V., Geo. Fox.

J. V., S. Fisher.

Delegate:

C. J. Weienniller.

Alternate:

R. H. Clayson.

Post No. 322—Northville.

Com., C. Palmater.

S. V., H. McCuen.

J. V., J. Shampine.

Delegate:

Washington Dunhan.

Alternate:

_____.

Post No. 315—Vacant.**Post No. 316—Luzerne.**

Com., W. J. Chilson.

S. V., W. Miles.

J. V., Wade Rice.

Delegate:

W. R. Miles.

Alternate:

Geo. Murrey.

Post No. 323 Watertown.

Com., L. C. Greenleaf.

S. V., T. D. Worlock.

J. V., C. M. Beard.

Delegate:

C. W. Sloat.

Alternate:

B. Winslow.

Post No. 324—Westfield.

Com., A. F. Greenslete.
S. V., S. A. Ferrin.
J. V., P. W. Bemis.
Delegate:
P. W. Bemis.
Alternate:
S. A. Ferrin.

Post No. 325—Ovid.

Com., J. M. Foster.
S. V., D. F. Frantz.
J. V., D. F. McDonald.
Delegate:
J. W. Swartout.
Alternate:
A. Wilson.

Post No. 326—Greenwich.

Com., H. Gray.
S. V., D. M. Chapman.
J. V., O. D. Beattie.
Delegate:
Geo. J. Russell.
Alternate:
Clark Curtis.

Post No. 327—Brooklyn.

Com., W. H. Bates
S. V., G. W. Dickinson.
J. V., F. Y. Hidley.
Delegates:
H. W. Knight.
R. F. Butt.
A. H. Frost.
Alternates:
W. H. Miller.
N. Tebbetts.
G. F. Lait.

Post No. 328—Vacant.

Post No. 329—Machias.

Com., M. F. Button.
S. V., C. H. Stoneman.
J. V., E. A. Allen.
Delegate:
John Bush.
Alternate:
F. M. Little.

Post No. 330—New York City.

Com., T. H. Stritch.
S. V., C. Nelly.
J. V., W. Kelcher.
Delegate:
C. L. Thorpe.
Alternate:
G. A. Stewart.

Post No. 331—Poughkeepsie.

Com., C. R. Rust.
S. V., J. Hanna.
J. V., F. N. Norris.
Delegate:
W. McKinley.
Alternate:
W. J. Monfort.

Post No. 332—Stanards.

Com., R. J. Fosbury.
S. V., R. J. Hawkins.
J. V., R. A. Campbell.
Delegate:
W. H. Rogers.
Alternate:
J. L. Lawrence.

Post No. 333—Whitesville.

Com., G. B. Herrick.
S. V., R. Fish.
J. V., K. Ketchum.
Delegate:
J. D. Jacobs.
Alternate:
Wayne Bishop.

Post No. 334—Vacant.**Post No. 335—Fort Ann.**

Com., H. B. Coleman.
S. V., O. J. Belden.
J. V., J. Cunningham.

Delegate:

O. J. Belden.

Alternate:

S. C. Gibbs.

Post No. 336—Wellsville.

Com., Wm. Plants.
S. V., A. Wyman.
J. V., F. C. Dow.

Delegate:

G. H. Blackman.

Alternate:

Post No. 337—Vacant.**Post No. 338—Troy.**

Com., H. S. McLeod.
S. V., A. W. Bradley.
J. V., Leonard Kline.

Delegate:

Wm. Ferguson.

Alternate:

E. S. Bunce.

Post No. 339—Vacant.**Post No. 340—South Onondaga.**

Com., Oliver Nichols.
S. V., J. R. Hulbert.
J. V., I. H. Joyce.

Delegate:

J. R. Hulbert.

Alternate:

W. G. Broad.

Post No. 341—Odessa.

Com., J. L. Halpin.
S. V., W. G. Fowler.
J. V., O. P. Smith.

Delegate:

W. J. Mitchell.

Alternate:

E. N. Malett.

Post No. 342—Richford.

Com., G. M. Geer.
S. V., James Sargent.
J. V., I. Sherwood.

Delegate:

G. D. Moreland.

Alternate:

F. Hutchinson.

Post No. 343—Hunts.

Com., D. L. Smith.
S. V., O. E. Hinkley.
J. V., A. Howard.

Delegate:

C. S. French.

Alternate:

E. A. Nash.

Post No. 344—Vacant.**Post No. 345—Vacant.****Post No. 346—Canton.**

Com., Thomas Reynolds.
S. V., Thomas Forbes.
J. V., D. W. Sherwin.

Delegate:

H. D. Ellsworth.

Alternate:

C. C. Caldwell.

112 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Post No. 347—Livingston Manor.

Com., J. W. Davis.

S. V., J. Ward.

J. V., A. D. Many.

Delegate:

W. W. Bennett.

Alternate:

J. Ward.

Post No. 348—Vacant.

Post No. 349—Hartland.

Com., G. Humphrey.

S. V., J. Erion.

J. V., J. Harrington.

Delegate:

A. Welcher.

Alternate:

O. B. Hays.

Post No. 350—Union.

Com., J. H. Swift.

S. V., P. H. Piersons.

J. V., P. H. Ripp.

Delegate:

M. Heath.

Alternate:

N. Brooks.

Post No. 351—Troupsburg.

Com., S. B. Tuttle.

S. V., J. Minard.

J. V., R. D. Cummings.

Delegate:

D. Clarkson.

Alternate:

B. F. Ford.

Post No. 352—Saranac.

Com., E. J. Pickett.

S. V., J. H. Brissette.

J. V., H. Fifield.

Delegate:

J. B. Christian.

Alternate:

J. Cones.

Post No. 353—Greenport.

Com., S. A. Hawkins.

S. V., E. W. Taber.

J. V., A. J. Haskell.

Delegate:

I. A. Monsell.

Alternate:

E. W. Taber.

Post No. 354—Ogdensburg.

Com., W. H. Daniels.

S. V., J. H. Osborne.

J. V., W. L. Best.

Delegate:

F. Johnson.

Alternate:

G. Plumb.

Post No. 355—Brooklyn.

Com., N. G. Cooper.

S. V., T. Doheney.

J. V., P. H. Brower.

Delegate:

A. S. Forman.

Alternate:

J. B. Haig.

Post No. 356—St. Johnsville.

Com., C. W. Lambert.

S. V., J. J. Reardon.

J. V., W. Suell.

Delegate:

I. E. Smith.

Alternate:

L. Hungerford.

Post No. 357—Great Valley.

Com., H. N. Berry.

S. V., I. S. Rickard.

J. V., M. Chapman.

Delegate:

J. E. Chase.

Alternate:

M. J. Hawe.

Post No. 358—Marcellus.

Com., E. V. Baker.

S. V., M. Hogan.

J. V., A. Waldron.

Delegate:

E. H. Baker.

Alternate:

A. W. Beach.

Post No. 359—Gowanda.

Com., A. McIntyre.

S. V., J. Glazen.

J. V., Geo. Weiser.

Delegate:

M. J. Brown.

Alternate:

L. W. Henry.

Post No. 360—Sacketts Harbor.

Com., G. E. Butterfield.

S. V., R. Hoffman.

J. V., Nelson Meeks.

Delegate:

J. D. McWayne.

Alternate:

H. I. Graham.

Post No. 361—Lockwood.

Com., D. O. Springer.

S. V., L. Brock.

J. V., G. M. Springer.

Delegate:

G. W. Bingham.

Alternate:

G. M. Springer.

Post No. 362—Brooklyn.

Com., P. Hays.

S. V., T. Sullivan.

J. V., P. McGinty.

Delegates:

P. McGinty.

J. R. Thompson.

Alternate:

D. L. Yoemans.

Post No. 363—Brushton.

Com., C. H. Totman.

S. V., H. H. Clary.

J. V., John Williams.

Delegate:

H. P. Steenberg.

Alternate:

O. Smith.

Post No. 364—West Winfield.

Com., D. A. Dewey.

S. V., E. Evans.

J. V., T. J. Hassett.

Delegate:

E. Evans.

Alternate:

G. C. Wadell.

Post No. 365—Glen Cove.

Com., J. Harrold.

S. V., W. Southard.

J. V., F. Shiarhorse.

Delegate:

Geo. Lucas.

Alternate:

J. W. Campbell.

Post No. 366—Plattsburg.

Com., J. H. Moffitt.

S. V., R. E. Hyde.

J. V., D. S. Binnings.

Delegate:

John Cole.

Alternate:

J. H. Grogan.

Post No. 367—Mexico.

Com., E. S. Huntington.

S. V., E. S. Spooner.

J. V., Wm. Adams.

Delegate:

I. I. Burdick.

Alternate:

H. M. Ames.

Post No. 368—Jamaica.

Com., J. Fleming.
S. V., Thos. S. Rider.
J. V., P. T. Cadmus.
Delegate:
J. H. Hilliker.
Alternate:

Post No. 369—Honeye Falls.

Geo. E. Tilly.
Com., H. Smith.
S. V., A. Plympton.
J. V., F. L. Fifield.
Delegate:
S. Pierce.
Alternate:
F. O. Amsden.

Post No. 370—Argyle.

Com., R. Williams.
S. V., J. A. Taylor.
J. V., R. Smith.
Delegate:
R. B. Scott.
Alternate:
W. J. Copeland.

Post No. 371—Vacant.

Post No. 372—Addison.

Com., H. D. Baldwin.
S. V., M. E. Crane.
J. V., D. O'Keefe.
Delegate:
C. J. Smith.
Alternate:
D. O'Keefe.

Post No. 373—Antwerp.

Com., J. S. Woodward.
S. V., W. Flansburg.
J. V., J. S. Cole.
Delegate:
E. J. Burchell.
Alternate:
J. C. Hinsdale.

Post No. 374—Mooers Forks.

Com., E. Sartwell.
S. V., J. M. Tallman.
J. V., W. F. Walker.
Delegate:
M. F. Darling.
Alternate:
E. W. Steele.

Post No. 375—Vacant.

Post No. 376—De Ruyter.

Com., J. Hunt.
S. V., S. D. Thompson.
J. V., E. Rider.
Delegate:
I. Higley.
Alternate:
S. D. Thompson.

Post No. 377—Windsor.

Com., J. S. Chase.
S. V., H. C. Pierce.
J. V., W. H. Davenport.
Delegate:
G. E. Collins.
Alternate:
C. T. Osgood.

Post No. 378—Port Chester.

Com., C. S. Higgins.
S. V., C. Worden.
J. V., A. Lyon.
Delegate:
W. H. Hyler.
Alternate:
R. H. George.

Post No. 379—Jay.

Com., J. S. Boynton.
S. V., John Nye.
J. V., J. Baldwin.
Delegate:
J. W. Nye.
Alternate:

Post No. 380—Salamanca.

Com., J. S. Spencer.

S. V., J. D. Markell.

J. V., J. Groat.

Delegate:

J. A. Andrews.

Alternate:

G. N. Shedd.

Post No. 381—Adams.

Com., W. E. Kimball.

S. V., J. M. Washburn.

J. V., S. H. Ketcham.

Delegate:

A. W. Joyner.

Alternate:

P. H. Johnson.

Post No. 382—Livonia.

Com., J. T. Bettis.

S. V., C. Runyan.

J. V., Wm. Slyker.

Delegate:

Wm. McLeod.

Alternate:

Geo. Burdick.

Post No. 383—Candor.

Com., M. Allen.

S. V., W. Hazen.

J. V., H. T. Dunbar.

Delegate:

J. K. Kelly.

Alternate:

A. H. Krom.

Post No. 384—Vacant.**Post No. 385—Port Leyden.**

Com., E. H. Sawyer.

S. V., J. S. Koster.

J. V., A. A. Dennison.

Delegate:

G. N. Manchester.

Alternate:

R. F. Wilcox.

Post No. 386—South Dayton.

Com., E. Jay.

S. V., C. Shults.

J. V., C. E. Blydenburg.

Delegate:

C. Shults.

Alternate:

J. L. Palmer.

Post No. 387—Orwell.

Com., D. Carpenter.

S. V., M. Myers.

J. V., R. Armstrong

Delegate:

M. Myers.

Alternate:

R. Armstrong.

Post No. 388—New Berlin.

Com., C. Clarke.

S. V., L. Crawford.

J. V., S. Holdridge.

Delegate:

E. G. Walker.

Alternate:

A. Ellis.

Post No. 389—Panama.

Com., H. H. Cook.

S. V., G. W. Rice.

J. V., J. M. Rice.

Delegate:

B. F. Lewis.

Alternate:

L. A. Williams.

Post No. 390—Delevan.

Com., A. J. Langmade.

S. V., H. W. Bliton.

J. V., L. B. Brownell.

Delegate:

T. B. Crocker.

Alternate:

G. W. Briggs.

Post No. 391—Rochester.

Com., M. L. Hughes.
S. V., P. Sheridan.
J. V., J. W. Jones.

Delegates:
C. H. Robinson.
N. C. Fulton.

Alternates:
J. A. Hard.
J. Driscoll.

Post No. 392—Geneseo.

Com., M. Scott.
S. V., J. E. Dolan.
J. V., W. D. Hendershott.

Delegate:
G. I. Dean.
Alternate:
R. M. Jones.

Post No. 393—Dunkirk.

Com., A. Williams, Sr.
S. V., F. M. Potter.
J. V., F. B. Kinner.

Delegate:
O. Wheelock.
Alternate:
F. B. Kinner.

Post No. 394—New York City.

Com., J. B. Lord.
S. V., F. Becker.
J. V., W. E. Lockwood.

Delegate:
C. E. Morse.
Alternate:
F. M. Hopper.

Post No. 395—Schroon Lake.

Com., H. R. King.
S. V., E. M. Rickert.
J. V., N. B. Knox.

Delegate:
H. Noxon.
Alternate:
I. M. Combs.

Post No. 396—Le Roy.

Com., J. M. Ackerson.
S. V., D. E. Curtis.
J. V., T. T. Davis.

Delegate:
M. Duguid.
Alternate:
P. Wood.

Post No. 397—Rochester.

Com., J. S. Graham.
S. V., S. A. Warner.
J. V., D. S. Annis.

Delegates:
T. A. Burchill.
J. B. Teller.
Alternates:
H. Jones.
J. J. Van de Venter.

Post No. 398—Akron.

Com., G. N. Fisher.
S. V., C. A. Tucker.
J. V., F. Felkenberg.

Delegate:
F. Felkenberg.
Alternate:
C. A. Tucker.

Post No. 399—Brooklyn.

Com., E. L. Innis.
S. V., E. W. Castell.
J. V., H. Staples.

Delegate:
H. Jeffries.
Alternate:
W. B. Cook.

Post No. 400—Rensselaer.

Com., C. Fisher.
S. V., G. Young.
J. V., D. Scott.

Delegate:
S. Aldrich.
Alternate:
D. Scott.

Post No. 401—Rose.

Com., H. D. Barnes.

S. V., G. Seager.

J. V., N. Bullock.

Delegate:

A. W. Seager.

Alternate:

J. T. Soule.

Post No. 402—New York City.

Com., J. J. Humphreys.

S. V., W. M. Hagenah.

J. V., G. H. Taylor.

Delegate:

W. M. Hagenah.

Alternate:

A. Merritt.

Post No. 403—Fredonia.

Com., E. A. Curtis.

S. V., H. J. Rice.

J. V., H. F. Weaver.

Delegate:

C. E. Randall.

Alternate:

J. A. Putnam.

Post No. 404—Herkimer.

Com., F. A. Gray.

S. V., D. Kill.

J. V., M. Vilhaur.

Delegate:

O. Clayton.

Alternate:

J. Roash.

Post No. 405—Jordan.

Com., G. M. Jacobs.

S. V., W. Bateman.

J. V., C. Dickinson.

Delegate:

G. O. Burk.

Alternate:

J. E. Babcock.

Post No. 406—Ontario.

Com., J. Speller.

S. V., A. Esley.

J. V., L. Denney.

Delegate:

A. Esley.

Alternate:

L. Denney.

Post No. 407—Findley Lake.

Com., O. F. Gifford.

S. V., _____.

J. V., G. Bock.

Delegate:

H. C. Gregory.

Alternate:

S. J. Cook.

Post No. 408—New York City.

Com., H. Schmidt.

S. V., F. Barwick.

J. V., A. Jungelaus.

Delegate:

P. Kempf.

Alternate:

F. Berwick.

Post No. 409—Rochester.

Com., A. J. Masters.

S. V., R. Kingston.

J. V., F. LaBuff.

Delegate:

R. Kingston.

Alternate:

J. M. Deyo.

Post No. 410—Clayton.

Com., A. J. Spalesbury.

S. V., J. A. Taylor.

J. V., J. L. Spaulding.

Delegate:

M. Wiley.

Alternate:

G. W. Schryer.

Post No. 411—Mooers.

Com., Wm. Lackhauna.

S. V., J. Shaw.

J. V., C. L. Knapp.

Delegate:

C. L. Knapp.

Alternate:

A. J. Steinbarger.

Post No. 412—Bergen.

Com., T. L. Parker.

S. V., E. M. Wilcox.

J. V., J. Fethers.

Delegate:

J. M. Gibbs.

Alternate:

T. Close.

Post No. 413—Sauquoit.

Com., D. P. Townsend.

S. V., R. Gillorn.

J. V., H. A. Fisk.

Delegate:

D. M. Green.

Alternate:

D. H. Jones.

Post No. 414—Bliss.

Com., J. D. Eager.

S. V., J. Austin.

J. V., Geo. Wiley.

Delegate:

C. C. Jewell.

Alternate:

E. J. Copeland.

Post No. 415—Morristown.

Com., F. Gilday.

S. V., S. Plumsteel.

J. V., J. Lavine.

Delegate:

A. Copper.

Alternate:

A. F. Thomas.

Post No. 416—Millport.

Com., R. B. Davidson.

S. V., J. Cummings.

J. V., C. H. Smith.

Delegate:

C. H. Smith.

Alternate:

D. White.

Post No. 417—Nunda.

Com., C. R. Sanders.

S. V., R. R. Bergen.

J. V., F. Hack.

Delegate:

J. W. Hand.

Alternate:

H. W. Hand.

Post No. 418—Central Square.

Com., P. Metzger.

S. V., J. W. White.

J. V., B. Curtis.

Delegate:

W. Church.

Alternate:

J. W. White.

Post No. 419—Constantia.

Com., G. L. Clough.

S. V., J. Montanna.

J. V., D. L. Sweet.

Delegate:

F. Z. Jones.

Alternate:

J. L. Kenrick.

Post No. 420—Highland.

Com., W. L. Dean.

S. V., P. V. L. Purdy.

J. V., J. Benton.

Delegate:

L. Purdy.

Alternate:

M. Rose.

Post No. 421—Winthrop.

Com., J. Strong.
 S. V., N. C. Robinson.
 J. V., J. H. Hall.
 Delegate:
 W. H. Copell.
 Alternate:
 N. C. Robinson.

Post No. 422—Lake George.

Com., G. W. Bates.
 S. V., W. W. Finkle.
 J. V., R. Hammond.
 Delegate:
 S. J. Taylor.
 Alternate:
 C. M. Smith.

Post No. 423—Valois.

Com., J. S. Ball.
 S. V., J. Hanley.
 J. V., G. P. Egbert.
 Delegate:
 D. P. Budd.
 Alternate:
 G. P. Egbert.

Post No. 424—Alexandria Bay.

Com., J. A. Tasse.
 S. V., Z. Bruse.
 J. V., D. Herrick.
 Delegate:
 S. B. Miller.
 Alternate:
 O. H. Perry.

Post No. 425—Massena.

Com., E. W. Kinney.
 S. V., J. W. Reynolds.
 J. V., Benj. Nichols.
 Delegate:
 M. J. Sterns.
 Alternate:
 A. Babcock.

Post No. 426—Northport.

Com., N. S. Ackerly.
 S. V., D. Shortwell.
 J. V., S. Hall.
 Delegate:
 S. Bloxam.
 Alternate:
 M. T. Burke.

Post No. 427—Rushford.

Com., J. Wilson.
 S. V., A. J. Lyon.
 J. V., J. C. Porter.
 Delegate:
 E. Kilmer.
 Alternate:
 A. L. Litchard.

Post No. 428—Alfred.

Com., A. B. Cottrell.
 S. V., H. S. Boughton.
 J. V., T. T. Burdick.
 Delegate:
 A. J. Armstrong.
 Alternate:
 J. R. Crandall.

Post No. 429—Stockton.

Com., N. Wait.
 S. V., W. W. Seeley.
 J. V., A. E. Hollenbeck.
 Delegate:
 A. R. Woodard.
 Alternate:
 W. W. Seeley.

Post No. 430—Vacant.**Post No. 431—Grahamsville.**

Com., C. D. Hall.
 S. V., H. A. Everett.
 J. V., H. E. Pomeroy.
 Delegate:
 W. A. Briggs.
 Alternate:
 H. A. Everett.

Post No. 432—Clarence.

Com., T. Barry.
S. V., O. E. Tanner.
J. V., W. Hutchinson.
Delegate:
J. Fidinger.
Alternate:
J. Humbert.

Post No. 433—Churchville.

Com., H. O. Ford.
S. V., C. H. Bowen.
J. V., J. Dawson.
Delegate:
J. Easton.
Alternate:
J. Stewart.

Post No. 434—Vermillion.

Com., W. Wetmore.
S. V., H. Kinnie.
J. V., W. W. Fisk.
Delegate:
W. W. Fisk.
Alternate:
H. F. Snow.

Post No. 435—Brooklyn.

Com., E. H. Squires.
S. V., C. W. Burroughs.
J. V., G. H. McLean.
Delegate:
J. D. Bell.
Alternate:
D. Simmons.

Post No. 436—New York City.

Com., H. Montague.
S. V., C. T. Martin.
J. V., A. Hoffman.
Delegate:
W. H. Mulligan.
Alternate:
R. McGuire.

Post No. 437—Utica.

Com., L. Warner.
S. V., A. Klein.
J. V., F. Reinhardt.
Delegate:
A. Klein.
Alternate:
A. Stotzer.

Post No. 438—Interlaken.

Com., T. P. Kellogg.
S. V., J. L. Ryno.
J. V., J. McArdle.
Delegate:
J. L. Ryno.
Alternate:
P. W. Rapplete.

Post No. 439—Forestville.

Com., L. Stanley.
S. V., R. T. Hancock.
J. V., L. Lord.
Delegate:
I. G. Brownell.
Alternate:
D. F. Smith.

Post No. 440—Hamburg.

Com., A. C. Fritts.
S. V., J. Taylor.
J. V., H. A. Paxson.
Delegate:
A. Stein.
Alternate:
Jos. Taylor.

Post No. 441—Three Mile Bay.

Com., R. E. Horton.
S. V., H. C. Selter.
J. V., E. Graves.
Delegate:
J. M. Wilcox.
Alternate:
J. O. Banks.

Post No. 442—McDonough.

Com., H. L. Bentley.
 S. V., W. S. Edgerton.
 J. V., H. A. Jackson.
 Delegate:
 M. E. Harrington.
 Alternate:
 N. E. Clark.

Post No. 443—Brooklyn.

Com., G. B. Stayley.
 S. V., H. J. Ross.
 J. V., J. Costello.
 Delegate:
 W. A. Powers.
 Alternate:
 G. P. Powers.

Post No. 444—Marion.

Com., T. Geer.
 S. V., C. L. Tassell.
 J. V., C. H. Sanford.
 Delegate:
 C. L. Tassell.
 Alternate:

Post No. 445—Lodi.

Com., J. H. Stevens.
 S. V., S. Close.
 J. V., W. B. Clawson.
 Delegate:
 S. Close.
 Alternate:
 E. Covert.

Post No. 446—Mecklenburg.

Com., E. Dunham.
 S. V., R. Swartout.
 J. V., Jos. McKiggan.
 Delegate:
 J. H. Arnold.
 Alternate:
 R. Swartout.

Post No. 447—Hannibal.

Com., O. A. Kipp.
 S. V., A. L. Eldridge.
 J. V., E. Shutts.
 Delegate:
 J. Baker.
 Alternate:
 A. Shutts.

Post No. 448—Brookfield.

Com., H. L. Spooner.
 S. V., J. W. Morgan.
 J. V., T. E. Crain.
 Delegate:
 N. A. Crandall.
 Alternate:
 R. S. Langworthy.

Post No. 449—Vacant.**Post No. 450—Macedon.**

Com., A. L. Jackson.
 S. V., W. Smith.
 J. V., S. Sweet.
 Delegate:
 W. Stephenson.
 Alternate:
 S. H. Croker.

Post No. 451—College Point.

Com., F. Beauman.
 S. V., J. Schreeman.
 J. V., S. W. Gier.
 Delegate:
 A. Jockers.
 Alternate:
 J. Deckendorf.

Post No. 452—New York City.

Com., M. Hoffman.
 S. V., F. Fuhr.
 J. V., E. Fink.
 Delegate:
 L. O'Reilly.
 Alternate:
 J. Hammerschmitt.

Post No. 453—Hartford.

Com., J. Brayton.
S. V., S. B. Weir.
J. V., W. Chapman.
Delegate:
S. B. Weir.
Alternate:
W. Chapman.

Post No. 454—Van Etten.

Com., P. Wetmore.
S. V., J. Van Mortwick.
J. V., O. P. Robinson.
Delegate:
J. C. Simms.
Alternate:
J. Van Mortwick.

Post No. 455—Rochester.

Com., I. H. Chatfield.
S. V., G. Bridgeman.
J. V., H. Krill.
Delegate:
L. N. Parent.
Alternate:
J. B. Williams.

Post No. 456—South Otsello.

Com., D. W. Crumb.
S. V., A. C. Coats.
J. V., H. Stearns.
Delegate:
H. Stearns.
Alternate:
D. M. Webster.

Post No. 457—Cicero.

Com., D. Smith.
S. V., E. F. Coville.
J. V., Chas. Bufters.
Delegate:
R. E. Luce.
Alternate:
J. H. Eggleston.

Post No. 458—New York City.

Com., C. J. Evers.
S. V., R. Angell.
J. V., A. Boyd.
Delegate:
S. Gason.
Alternate:
J. Castles.

Post No. 459—Mt. Morris.

Com., C. D. Chilson.
S. V., J. Baker.
J. V., H. G. Chamberlain.
Delegate:
M. J. Noonan.
Alternate:
C. H. Miner.

Post No. 460—Vacant.

Post No. 461—Waverly.

Com., B. W. Bonnell.
S. V., F. W. Soper.
J. V., S. Gregory.
Delegate:
S. D. Barnum.
Alternate:
J. F. Shoemaker.

Post No. 462—Dickinson Center.

Com., S. Hoxie.
S. V., A. Farr.
J. V., ————
Delegate:
E. E. Bates.
Alternate:
W. N. Tuttle.

Post No. 463—Ellensburg.

Com., S. D. Mix.
S. V., P. Manly.
J. V., J. Branch.
Delegate:
A. C. Moore.
Alternate:
H. Honsinger.

Post No. 464—Spencer.

Com., G. W. Hamblin.

S. V., W. Tucker.

J. V., I. T. Hyers.

Delegate:

W. Tucker.

Alternate:

I. T. Hyers.

Post No. 465—Vacant.**Post No. 466—White Plains.**

Com., E. B. Long.

S. V., C. N. Smith.

J. V., P. Gilroy.

Delegate:

E. H. See.

Alternate:

D. W. Bogart.

Post No. 467—Amenia.

Com., J. Newman.

S. V., M. Hummiston.

J. V., F. Beadle.

Delegate:

D. Rogers.

Alternate:

H. Palmer.

Post No. 468—De Kalb Junction.

Com., J. A. Rasey.

S. V., C. Gardner.

J. V., J. Stone.

Delegate:

C. Gardner.

Alternate:

E. A. Rich.

Post No. 469—Thurston.

Com., L. H. Heckman.

S. V., D. Weaver.

J. V., Wm. L. Seayer.

Delegate:

A. Shanger.

Alternate:

D. Weaver.

Post No. 470—Hammondsport.

Com., E. B. Larrowe.

S. V., C. Grants.

J. V., D. F. Lane.

Delegate:

A. Van Gilder.

Alternate:

P. Zimmer.

Post No. 471—Troy (North).

Com., R. W. Edwards.

S. V., G. W. Noble.

J. V., C. W. Smith.

Delegate:

C. Bolton.

Alternate:

G. W. Noble.

Post No. 472—Hamilton, Canada.

Com., D. Cappelle.

S. V., Chas. List.

J. V., A. Cornell.

Delegate:

H. A. Clark.

Alternate:

T. Smith.

Post No. 473—Nicholville.

Com., E. D. Sanford.

S. V., L. B. Day.

J. V., P. M. Kendrick.

Delegate:

D. E. Sanford.

Alternate:

P. A. Munson.

Post No. 474—Maine.

Com., W. J. Bronk.

S. V., J. Riddle.

J. V., N. Baird.

Delegate:

J. B. Northrop.

Alternate:

E. S. Border.

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Post No. 475—Caton.

Com., H. J. Farran.
S. V., W. O. Mattison.
J. V., J. F. Deuel.
Delegate:
W. O. Mattison.
Alternate:
L. A. Wolcott.

Post No. 476—McGrawville.

Com., P. W. Chaffee.
S. V., M. R. Sanford.
J. V., J. R. Mabury.
Delegate:
W. P. Henry.
Alternate:
J. Adams.

Post No. 477—Stamford.

Com., S. J. Moore.
S. V., H. DeMoney.
J. V., E. J. Bruce.
Delegate:
C. H. Terk.
Alternate:
A. J. Craft.

Post No. 478—Colden.

Com., J. B. Buffum.
S. V., H. H. Hambleton.
J. V., S. S. Pierce.
Delegate:
J. McRea.
Alternate:
M. H. Schneider.

Post No. 479—Vacant.

Post No. 480—Stillwater.

Com., R. E. Parker.
S. V., J. Bradley.
J. V., B. Smith.
Delegate:
J. Bradley.
Alternate:
R. Harcourt.

Post No. 481—Andover.

Com., M. J. Mosher.
S. V., C. F. Davis.
J. V., M. Shields.
Delegate:
J. C. Green.
Alternate:
C. F. Davis.

Post No. 482—Camden.

Com., W. W. Elden.
S. V., M. Plattler.
J. V., P. Howland.
Delegate:
J. H. Chamberlain.
Alternate:
M. Plattler.

Post No. 483—Hancock.

Com., E. Van Steenburgh.
S. V., C. W. Whitney.
J. V., W. H. Hall.
Delegate:
H. W. McKeon.
Alternate:
W. H. Nickle.

Post No. 484—Keeseville.

Com., H. M. Mould.
S. V., J. Savage.
J. V., N. Brawher.
Delegate:
E. A. Jordan.
Alternate:
C. W. Rowe.

Post No. 485—Vacant.

Post No. 486—Penn Yan.

Com., G. C. Smith.
S. V., E. E. Cleveland.
J. V., G. P. Harrison.
Delegate:
C. A. Kearney.
Alternate:
F. Danes.

Post No. 487—Schaghticoke.

Com., L. Hunt.
 S. V., D. S. Doig.
 J. V., H. Simmons.
 Delegate:
 J. H. Condee.
 Alternate:
 D. E. Bortell.

Post No. 488—Castile.

Com., W. H. Campbell.
 S. V., A. M. Starks.
 J. V., C. M. Fox.
 Delegate:
 H. T. Castle.
 Alternate:
 A. B. Smith.

Post No. 489—South New Berlin.

Com., L. H. James.
 S. V., R. S. Decker.
 J. V., A. C. Hecox.
 Delegate:
 J. E. Miller.
 Alternate:
 G. E. Hawley

Post No. 490—Bloomingtondale.

Com., J. H. Pierce.
 S. V., I. Janquish.
 J. V., S. A. Reid.
 Delegate:
 W. H. Emmons.
 Alternate:
 _____.

Post No. 491—Fort Edward.

Com., G. Scott.
 S. V., O. C. Robinson.
 J. V., H. Snyder.
 Delegate:
 D. H. King.
 Alternate:
 H. Snyder.

Post No. 492—Vacant.**Post No. 493—Sherburne.**

Com., W. Frear.
 S. V., T. G. Boss.
 J. V., J. Tully.
 Delegate:
 T. G. Boss.
 Alternate:
 S. Holden.

Post No. 494—Union Springs.

Com., M. Myers.
 S. V., W. Ellsworth.
 J. V., E. Powers.
 Delegate:
 A. A. Lewis.
 Alternate:
 J. Melvin.

Post No. 495—Milton.

Com., C. M. Woolsey.
 S. V., T. C. Beam.
 J. V., H. B. Crowell.
 Delegate:
 J. C. Merritt.
 Alternate:
 E. R. Martin.

Post No. 496—Tarrytown.

Com., J. H. Briggs.
 S. V., C. Williamson.
 J. V., C. Williamson.
 Delegate:
 W. T. Sackett.
 Alternate:
 T. Taxter.

Post No. 497—Williamstown.

Com., L. F. Empy.
 S. V., L. M. Ingerson.
 J. V., D. E. Cox.
 Delegate:
 R. L. Rathbone.
 Alternate:
 D. E. Cox.

Post No. 498—Saratoga.

Com., J. R. Gibbs.
S. V., J. Mangledorf.
J. V., J. Ayer.
Delegate:
O. P. Clarke.
Alternate:
R. F. Knapp.

Post No. 499—Brooklyn.

Com., J. A. Rooney.
S. V., R. N. Prestege.
J. V., J. Billington.
Delegate:
J. M. Sangster.
Alternate:
T. S. Woodcock.

Post No. 500—Brooklyn.

Com., W. Knappman.
S. V., L. R. Miller.
J. V., R. Atkinson.
Delegate:
J. G. Peto.
Alternate:
J. F. O'Hara.

Post No. 501—Savannah.

Com., E. N. Leonard.
S. V., M. V. Holdridge.
J. V., A. H. Holdridge.
Delegate:
A. H. Holdridge.
Alternate:
A. W. Mills.

Post No. 502—Angelica.

Com., P. G. Mayhew.
S. V., J. Demming.
J. V., H. P. Green.
Delegate:
G. Davis.
Alternate:
Alex. Lytle.

Post No. 503—Vacant.

Post No. 504—St. Regis Falls.

Com., B. C. Somers.
S. V., J. H. Hollister.
J. V., Chas. Dopp.
Delegate:
A. W. Johnson.
Alternate:
W. H. Harvey.

Post No. 505—Halsey Valley.

Com., F. W. Van Martin.
S. V., C. M. Taylor.
J. V., F. Cooper.
Delegate:
C. M. Taylor.
Alternate:
S. F. Smith.

Post No. 506—East Aurora.

Com., F. J. Regan.
S. V., A. Danner.
J. V., P. C. Fisher.
Alternate:
G. Bragg.
Delegate;
P. C. Fisher.

Post No. 507—Avoca.

Com., L. E. Horton.
S. V., J. Heimroth.
J. V., H. A. Crum.
Delegate:
D. Morris.
Alternate:
W. N. Cook.

Post No. 508—Franklinville.

Com., ————
S. V., J. Dempsey.
J. V., V. Swift.
Delegate:
C. Brown.
Alternate:
Wm. Ely.

Post No. 509—New Rochelle.

Com., J. Ferguson.
S. V., A. F. Sweet.
J. V., J. Keefer.

Delegate:

A. F. Sweet.

Alternate:

W. W. Dodge.

Post No. 510—Holland Patent.

Com., J. B. Williams.
S. V., R. Deakin.
J. V., W. G. Spence.

Delegate:

R. D. Jones.

Alternate:

H. V. Johnson.

Post No. 511—Vacant.**Post No. 512—Davenport.**

Com., Frank Turner.
S. V., John Garvey.
J. V., Geo. Dugan.

Delegate:

Chas. Irons.

Alternate:

Geo. Dugan.

Post No. 513—Horicon.

Com., A. A. Ross.
S. V., J. H. Sexton.
J. V., D. Olden.

Delegate:

O. O. Duell.

Alternate:

D. Olden.

Post No. 514—Catskill.

Com., B. W. Grant.
S. V., J. E. Beach.
J. V., S. J. Mott.

Delegate:

S. J. Mott.

Alternate:

W. C. Tice.

Post No. 515—Watkins.

Com., T. J. Terrill.
S. V., B. C. Collins.
J. V., E. Thompson.

Delegate:

W. Hurd.

Alternate:

S. B. Brown.

Post No. 516—New York City.

Com., A. J. Gilman.
S. V., W. Churchill.
J. V., E. Kennedy.

Delegate:

P. L. Flynn.

Alternate:

Wm. Churchill.

Post No. 517—Vacant.**Post No. 518—Springwater.**

Com., H. E. Allen.
S. V., J. Miner.
J. V., A. D. Benedict.

Delegate:

H. A. Wiley.

Alternate:

H. Clark.

Post No. 519—Green Island.

Com., J. W. Crier.
S. V., L. Fuch.
J. V., A. J. Torey.

Delegate:

G. Pease.

Alternate:

G. E. Flake.

Post No. 520—Vacant.

Post No. 521—Suffern.
Com., T. N. Hilyer.
S. V., J. H. Butler.
J. V., D. Akers.

Delegate:
J. W. Crum.
Alternate:
R. Hanson.

Post No. 522—Vacant.

Post No. 523—Silver Creek.
Com., O. L. Swift.
S. V., W. H. Bartlett.
J. V., G. Dean.

Delegate:
I. D. Rowley.
Alternate:
S. S. Stairing.

Post No. 524—Port Richmond.
Com., B. Mullin.
S. V., J. A. Sullivan.
J. V., A. Simikoffe.

Delegate:
B. J. Bodine.
Alternate:
J. S. Moore.

Post No. 525—Copenhagen.
Com., G. W. Keys.
S. V., A. C. Bickford.
J. V., T. Rutan.

Delegate:
S. O. Stodard.
Alternate:
C. V. Plopper.

Post No. 526—Vernon.
Com., J. L. Williams.
S. V., T. G. Ingersol.
J. V., T. Lewin.

Delegate:
F. G. Pepper.
Alternate:
T. G. Ingersol.

Post No. 527—Freeport.
Com., W. H. Patterson.
S. V., J. Johnson.
J. V., C. B. Raynor.

Delegate:
D. Bender.
Alternate:
G. S. Kellogg.

Post No. 528—Elizabethtown.
Com., L. Redman.
S. V., S. A. West.
J. V., I. Wakefield.

Delegate:
Rowland Kellogg.
Alternate:
J. Patton.

Post No. 529—Nichols.
Com., M. Quilty.
S. V., C. P. Laning.
J. V., M. J. Cole.

Delegate:
C. P. Laning.
Alternate:
L. P. Ross.

Post No. 530—Waddington.
Com., W. C. Jardine.
S. V., C. Abernothy.
J. V., R. Clark.

Delegate:
G. K. Wright.
Alternate:
J. Ryan.

Post No. 531—Long Lake.

Com., W. D. Jennings.

S. V., B. F. Emerson.

J. V., R. Parker.

Delegate:

C. Hammer.

Alternate:

J. Rice.

Post No. 536—Montgomery.

Com., T. Harding.

S. V., _____.

J. V., J. F. Camp.

Delegate:

_____.

Alternate:

_____.

Post No. 532—Toronto, Canada.

Com., T. Hughs.

S. V., J. Tomlinson.

J. V., J. Collard.

Delegate:

W. Greenwood.

Alternate:

J. Boyce.

Post No. 537—Vacant.**Post No. 538—Bay Shore.**

Com., H. H. Hulse.

S. V., J. N. Frazer.

J. V., E. Hill.

Delegate:

W. J. Wheeler.

Alternate:

H. S. Jennings.

Post No. 533—Crown Point.

Com., E. J. Barker.

S. V., A. H. Moore.

J. V., H. Underhill.

Delegate:

E. M. Johnson.

Alternate:

P. H. Bell.

Post No. 539—Chatham.

Com., O. W. Atwood.

S. V., E. F. Cornelius.

J. V., W. H. Shaver.

Delegate:

P. A. Garity.

Alternate:

J. Thompson.

Post No. 534—Brooklyn.

Com., C. G. Curtis.

S. V., G. M. Lamp.

J. V., J. Van Wicklen.

Delegate:

W. H. Cornell.

Alternate:

G. H. Jackson.

Post No. 540—Vacant.**Post No. 541—Vacant.****Post No. 535—Pultney.**

Com., R. N. Bennett.

S. V., G. E. Prentiss.

J. V., J. C. Albright.

Delegate:

N. Retan.

Alternate:

W. A. Prentiss.

Post No. 542—Buffalo.

Com., A. J. Wagner.

S. V., A. Schwinn.

J. V., Wm. Bomm.

Delegate:

G. Brier.

Alternate:

Wm. Bomm.

130 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Post No. 543—Washingtonville.

Com., O. Terwilliger.

S. V., H. Youngblood.

J. V., C. W. Merritt.

Delegate:

A. Dennison.

Alternate:

L. P. Miller.

Post No. 544—Hempstead.

Com., T. F. Gilbert.

S. V., Wm. Seaman.

J. V., Chas. Noon.

Delegate:

John L. Westlake.

Alternate:

A. B. Parsons.

Post No. 545—Vacant.

Post No. 546—Cornwall-on-Hudson.

Com., G. Chatfield.

S. V., G. Cleveland.

J. V., F. A. Lamb.

Delegate:

J. W. Westfall.

Alternate:

F. A. Lamb.

Post No. 547—Newfane.

Com., H. Krupp.

S. V., Wm. Brads.

J. V., J. Harris.

Delegate:

M. A. Madeville.

Alternate:

F. F. Palmetier.

Post No. 548—Morrisville.

Com., O. B. Strong.

S. V., A. Foster.

J. V., H. E. Chapin.

Delegate:

H. E. Eaton.

Alternate:

W. E. Matson.

Post No. 549—Savona.

Com., M. R. Westcott.

S. V., A. J. Clark.

J. V., J. V. Helm.

Delegate:

F. L. French.

Alternate:

J. V. Helm.

Post No. 550—Vacant.

Post No. 551—Taberg.

Com., J. Chisam.

S. V., C. Fitterley.

J. V., B. Ballard.

Delegate:

C. Banning.

Alternate:

— — — Burgey.

Post No. 552—New York City.

Com., J. T. Hall.

S. V., J. Higgins.

J. V., F. Heins.

Delegate:

C. Diehl.

Alternate:

I. Blackledge.

Post No. 553—Holland.

Com., W. H. Burnett.

S. V., H. Selleck.

J. V., I. N. Griggs.

Delegate:

H. Burlingham.

Alternate:

I. N. Griggs.

Post No. 554—Vacant.**Post No. 555—Wellsburg.**

Com., S. S. Baxter.

S. V., D. Morley.

J. V., C. Ostrander.

Delegate:

D. Morley.

Alternate:

E. E. Hanmer.

Post No. 556—Vacant.**Post No. 557—New York City.**

Com., I. Isaacs.

S. V., D. Hyde.

J. V., E. Byrnes.

Delegate:

W. V. Griblet.

Alternate:

W. P. Skiffington.

Post No. 558—Warrensburg.

Com., M. N. Dickinson.

S. V., G. F. Smith.

J. V., J. C. Bennett.

Delegate:

W. Pasco.

Alternate:

T. H. Crandall.

Post No. 559—New York City.

Com., G. McLeod.

S. V., G. W. Van Wagner.

J. V., S. T. King.

Delegate:

S. T. King.

Alternate:

C. G. Williams.

Post No. 560—Elmhurst.

Com., J. McCloskey.

S. V., A. Folk.

J. V., J. H. Loskam.

Delegate:

A. Folk.

Alternate:

J. Rapelye.

Post No. 561—Greenwood.

Com., D. Ferris.

S. V., H. Peats.

J. V., T. Freeland.

Delegate:

R. Covert.

Alternate:

T. Freeland.

Post No. 562—Chateaugay.

Com., J. Meagher.

S. V., C. Prairie.

J. V., O. Chase.

Delegate:

S. Genway.

Alternate:

C. Prairie.

Post No. 563—Whitchell.

Com., S. B. Loomis.

S. V., A. Culver.

J. V., F. McKee.

Delegate:

L. H. Carrington.

Alternate:

W. Havens.

Post No. 564—Walden.

Com., C. G. Hunt.

S. V., C. B. Fowler.

J. V., G. Grist.

Delegate:

C. B. Fowler.

Alternate:

G. Grist.

132 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Post No. 565—Woodhull.

Com., J. B. Brown.
S. V., H. J. Howard.
J. V., W. S. Miller.
Delegate:
J. W. McPhee.
Alternate:
J. Brownell.

Post No. 573—Scriba.

Com., L. V. S. Mattison.
S. V., T. DeLancy.
J. V., Wm. Rose.
Delegate:
T. W. Smith.
Alternate:
H. Dubois.

Post No. 566—Vacant.

Post No. 574—Vacant.

Post No. 567—Vacant.

Post No. 575—Warwick.

Post No. 568—Vacant.

Com., S. B. Owens.
S. V., Wm. Dolson.
J. V., S. Morse.

Post No. 569—Vacant.

Delegate:
J. L. Springler.
Alternate:
Wm. Dolson.

Post No. 570—Salem.

Com., W. J. Cruikshanks.
S. V., J. M. Moore.
J. V., E. M. Smith.
Delegate:
S. W. Russell.
Alternate:
W. H. Cotton.

Post No. 576—Smyrna.

Com., H. H. Baker.
S. V., J. H. Collier.
J. V., J. M. Bowen.
Delegate:
G. W. Crumb.
Alternate:
D. D. Dimmick.

Post No. 571—Erieville.

Com., G. Beeman.
S. V., R. Wallace.
J. V., J. Jones.
Delegate:
D. W. Salisbury.
Alternate:
O. Nourse.

Post No. 577—Vacant.

Post No. 572—Trumansburg.

Com., T. C. Ackley.
S. V., C. Kiff.
J. V., H. Rudy.
Delegate:
E. Spicer.
Alternate:
H. Rudy.

Post No. 578—New York City.

Com., P. Zimmerman.
S. V., J. P. Ryan.
J. V., T. Delaney.
Delegate:
J. Owens.
Alternate:
T. Robertson.

Post No. 579—Vacant.

Post No. 580—South Westerle.

Com., W. B. Faulk.
 S. V., E. Stone.
 J. V., D. Greenwood.
 Delegate:
 W. Moore.
 Alternate:
 D. Greenwood.

Post No. 581—Colton.

Com., H. Gleason.
 S. V., D. Lahiff.
 J. V., R. S. Root.
 Delegate:
 G. W. Stuart.
 Alternate:
 _____.

Post No. 582—Bainbridge.

Com., S. D. Clark.
 S. V., G. R. Cook.
 J. V., J. B. Phinney.
 Delegate:
 T. E. Searls.
 Alternate:
 G. R. Cook.

Post No. 583—Jasper.

Com., F. Waight.
 S. V., A. Murphy.
 J. V., _____.
 Delegate:
 _____.
 Alternate:
 _____.

Post No. 584—Allegany.

Com., V. R. King.
 S. V., A. S. Wing.
 J. V., J. M. Mosscrip.
 Delegate:
 J. D. Smith.
 Alternate:
 W. Spraker.

Post No. 585—West Amboy.

Com., T. Smith.
 S. V., R. Kasselhawk.
 J. V., J. Hall.
 Delegate:
 T. Brockett.
 Alternate:
 D. H. Tuttle.

Post No. 586—Vacant.**Post No. 587—Sandy Hill.**

Com., A. C. Getten.
 S. V., J. Donnelly.
 J. V., Lee Severence.
 Delegate:
 J. McCarty.
 Alternate:
 A. Wilson.

Post No. 588—Natural Bridge.

Com., L. Wright.
 S. V., A. G. McCoy.
 J. V., W. Williamson.
 Delegate:
 V. O. Hunt.
 Alternate:
 G. Graves.

Post No. 589—Frewsburg.

Com., P. E. Miller.
 S. V., E. A. Haskins.
 J. V., H. W. Sears.
 Delegate:
 H. W. Haskins.
 Alternate:
 R. E. Thayer.

Post No. 590—Yonkers.

Com., Wm. Riley.
 S. V., S. Archer.
 J. V., M. H. Ellis.
 Delegate:
 T. Vanness.
 Alternate:
 J. Stewart.

Post No. 591—New Haven.

Com., D. L. Lawton.

S. V., A. B. Wright.

J. V., A. Cass.

Delegate:

E. L. Judd.

Alternate:

A. Runyon.

Post No. 592—Alden.

Com., W. C. Tucker.

S. V., B. F. Blackman.

J. V., A. M. Nichols.

Delegate:

C. Swain.

Alternate:

B. F. Blackman.

Post No. 593—Tully.

Com., W. L. Earl.

S. V., W. Strong.

J. V., H. Russell.

Delegate:

W. Strong.

Alternate:

J. H. Fellowes.

Post No. 594—Keene Valley.

Com., L. S. Lamb.

S. V., J. E. Henry.

J. V., J. H. Otis.

Delegate:

J. H. Otis.

Alternate:

J. H. Estes.

Post No. 595—Brewerton.

Com., F. Platto.

S. V., F. Patten.

J. V., J. H. Holliday.

Delegate:

W. W. Dority.

Alternate:

D. Van Hoesen.

Post No. 596—Vestal.

Com., T. Harris.

S. V., H. Morton.

J. V., J. McCormack.

Delegate:

J. Newcomb.

Alternate:

A. W. Aldridge.

Post No. 597—Phelps.

Com., E. N. Brown.

S. V., G. White.

J. V., C. Simons.

Delegate:

W. H. Hicks.

Alternate:

C. T. Severence.

Post No. 598—Highland Falls.

Com., H. Steen.

S. V., D. D. Campbell.

J. V., B. Kelly.

Delegate:

L. F. Goodsell.

Alternate:

W. H. Janquish.

Post No. 599—Parish.

Com., F. H. Scranton.

S. V., C. Hatch.

J. V., L. Dailey.

Delegate:

J. S. Seamans.

Alternate:

L. D. Rulison.

Post No. 600—New York City.

Com., E. B. Kinney.

S. V., C. H. Liscom.

J. V., T. G. Coyne.

Delegate:

A. B. Ostrander.

Alternate:

W. T. Kirchner.

Post No. 601—Vacant.**Post No. 602—Vacant.****Post No. 603—Short Tract.**

Com., S. B. Luckey.

S. V., J. L. Dudley.

J. V., C. Bennett.

Delegate:

J. A. Jones.

Alternate:

J. S. Platt.

Post No. 604—Frankfort.

Com., J. Krick.

S. V., N. C. Raffafort.

J. V., D. L. Hammer.

Delegate:

L. H. Robinson.

Alternate:

H. Jubin.

Post No. 605—Vacant.**Post No. 606—Vacant.****Post No. 607—New York City.**

Com., J. R. Silliman.

S. V., R. B. Greenwood.

J. V., I. H. Stallman.

Delegate:

S. R. Johnson.

Alternate:

R. B. Greenwood.

Post No. 608—Manlius.

Com., M. B. Snook.

S. V., M. Reiley.

J. V., J. Cooper.

Delegate:

G. W. Armstrong.

Alternate:

J. M. Balsley.

Post No. 609—S. W. Oswego.

Com., James Simmons.

S. V., R. Flanigan.

J. V., Wm. Bishop.

Delegate:

Chas. H. Barker.

Alternate:

Alfred Watts.

Post No. 610—Vacant.**Post No. 611—Vacant.****Post No. 612—Vacant.****Post No. 613—Apalachin.**

Com., Chas. Baker.

S. V., H. J. Cooper.

J. V., Nelson Edwards.

Delegate:

H. J. Cooper.

Alternate:

P. A. Bush.

Post No. 614—Vacant.**Post No. 615—Verona.**

Com., F. Sleight.

S. V., M. Crosset.

J. V., M. Ernwein.

Delegate:

R. Spinner.

Alternate:

G. Hall.

Post No. 616—Ischua.

Com., J. J. Shipman.

S. V., S. Osgood.

J. V., N. Wagner.

Delegate:

C. H. Wagner.

Alternate:

A. Williams.

Post No. 617—Millerton.

Com., W. Palmer.
S. V., J. Bates.
J. V., G. Loucks.

Delegate:

C. A. Corey.

Alternate:

S. Williamson.

Post No. 618—Vacant.

Post No. 619—Mechanicville.

Com., H. W. Bailey.
S. V., S. E. Blowers.
J. V., G. Shook.

Delegate:

J. J. Ashman.

Alternate:

W. L. Hoyt.

Post No. 620—Brooklyn.

Com., J. A. Tappen.
S. V., W. H. Johnson.
J. V., L. Jackson.

Delegate:

W. H. Johnson.

Alternate:

W. H. Hall.

Post No. 621—Saranac Lake.

Com., W. C. Flanders.
S. V., L. P. Daniels.
J. V., H. Williams.

Delegate:

A. B. Norton.

Alternate:

H. McNulty.

Post No. 622—Vacant.

Post No. 623—Elmira.

Com., M. B. Wilcox.
S. V., C. C. Campbell.
J. V., Henry Woodhouse.

Delegate:

D. Eacker.

Alternate:

A. N. Brown.

Post No. 624—Georgetown.

Com., H. E. Leach.
S. V., C. Bliss.
J. V., J. Vanhovernburg.

Delegate:

G. Bardeen.

Alternate:

C. Bliss.

Post No. 625—Caledonia.

Com., C. Spring.
S. V., R. Miller.
J. V., A. Elm.

Delegate:

R. W. Scott.

Alternate:

R. M. Place.

Post No. 626—Vacant.

Post No. 627—Port Jefferson.

Com., G. Skinner.
S. V., F. Fallon.
J. V., W. H. Bowls.

Delegate:

W. H. Platt.

Alternate:

J. G. Scott.

Post No. 628—Long Island City.

Com., G. McA. Gosman.
S. V., W. Bouton.
J. V., W. Copack.

Delegate:

W. J. Rooney.

Alternate:

J. A. Leek.

Post No. 629—Vacant.**Post No. 630—Waterford.**

Com., C. F. Sitcer.
S. V., G. W. Parker.
J. V., P. McCarty.

Delegate:
J. Lavery.
Alternate:
F. McCarty.

Post No. 631—North Lawrence.

Com., W. Morrell.
S. V., A. Williams.
- J. V., A. J. Hicks.

Delegate:

Alternate:
_____.

Post No. 632—Scipio.

Com., Francis Flynn.
S. V., J. P. Nortway.
J. V., W. M. Palmer.

Delegate:
W. M. Palmer.
Alternate:
_____.

Post No. 633—Belleville.

Com., M. D. Swann.
S. V., G. M. Boomer.
J. V., G. W. Babcock.

Delegate:
G. W. Boomer.
Alternate:
A. C. Nutting.

Post No. 634—Galway.

Com., H. W. Mastin.
S. V., G. W. Seckner.
J. V., Eli Bailly.

Delegate:

G. W. Seckner.
Alternate:
Amos Rhodes.

Post No. 635—Corfu.

Com., E. Kern.
S. V., A. McCumber.
J. V., W. Gibson.

Delegate:
Robert Peard.
Alternate:
E. B. Banks.

Post No. 636—Oceanus.

Com., G. S. Johnson.
S. V., C. Horton.
J. V., G. Traver.

Delegate:
S. J. Enscoe.
Alternate:
C. Horton.

Post No. 637—Dayton.

Com., P. A. Markham.
S. V., H. B. Gray.
J. V., G. P. Remington.

Delegate:
James Ashdown.
Alternate:
A. M. Hall.

Post No. 638—Vacant.**Post No. 639—Vacant.****Post No. 640—No. Cohocton.**

Com., J. W. Bush.
S. V., I. N. Baker.
J. V., Wm. Perry.

Delegate:
C. H. Donley.
Alternate:
I. N. Baker.

Post No. 641—Huntington.

Com., J. Lindsay.
S. V., J. Wright.
J. V., J. J. Brown.
Delegate:
G. F. Barr.
Alternate:
A. P. Dodge.

Post No. 642—Clemons.

Com., G. L. Clemons.
S. V., _____.
J. V., _____.
Delegate:
Geo. L. Clemons.
Alternate:
C. L. Currie.

Post No. 643—Vacant.

Post No. 644—Albany.

Com., E. M. Chamberlain.
S. V., C. E. Jennings.
J. V., A. Taggart.
Delegate:
A. H. Spierre.
Alternate:
W. F. Mullin.

Post No. 645—West Berne.

Com., W. H. Posson.
S. V., C. W. Wright.
J. V., J. S. Irons.
Delegate:
J. N. Ball.
Alternate:
C. W. Wright.

Post No. 646—Owego.

Com., D. A. Welch.
S. V., J. H. Bunzey.
J. V., L. B. Turbush.
Delegate:
J. H. Bunzey.
Alternate:
C. A. Bradley.

Post No. 647—Elbridge.

Com., A. E. Stacey.
S. V., B. A. Wood.
J. V., H. G. Harmon.
Delegate:
T. C. Knight.
Alternate:
E. H. Garison.

Post No. 648—Liverpool.

Com., J. R. Young.
S. V., R. W. Smith.
J. V., H. Prouty.
Delegate:
M. K. Shaw.
Alternate:
C. E. Edwards.

Post No. 649—Prattsburgh.

Com., C. F. Hayes.
S. V., C. H. Boyd.
J. V., G. O. Parker.
Delegate:
S. S. Reynolds.
Alternate:
C. H. Boyd.

Post No. 650—Elmira.

Com., W. G. Johnston.
S. V., W. H. Meeker.
J. V., J. Carroll.
Delegate:
H. Perry.
Alternate:
J. Carroll.

Post No. 651—Onoville.

Com., J. M. Weaver.
S. V., A. Mendall.
J. V., C. C. Treadway.
Delegate:
J. L. Schobey.
Alternate:

Post No. 652—London, Canada.

Com., O. E. Brener.

S. V., C. J. Ashton.

J. V., H. Petero.

Delegate:

C. J. Ashton.

Alternate:

Post No. 658—Munnsville.

Com., R. W. Elphic.

S. V., G. W. Colburn.

J. V., P. Gardner.

Delegate:

Alternate:

Post No. 653—Hartwick.

Com., H. E. Freelan.

S. V., C. H. Markle.

J. V., A. Fearis.

Delegate:

E. M. Irons.

Alternate:

J. Mickle.

Post No. 659—Morrisonville.

Com., A. C. Emery.

S. V., C. E. Ferris.

J. V., C. Russell.

Delegate:

A. J. Vaughn.

Alternate:

J. Redman.

Post No. 654—Roslyn.

Com., P. D. Leys.

S. V., Wm. Thomas.

J. V., Geo. M. Henry.

Delegate:

P. D. Leys.

Alternate:

John Ordronaux.

Post No. 660—Moscow.

Com., N. N. Cooley.

S. V., R. G. Moses.

J. V., A. J. White.

Delegate:

R. G. Moses.

Alternate:

J. H. McMahon.

Post No. 655—Otto.

Com., E. Smallman.

S. V., G. H. Wayne.

J. V., N. Slocum.

Delegate:

C. A. O'Brien.

Alternate:

George Orr.

Post No. 661—Pawling.

Com., J. E. Banks.

S. V., C. W. Wilcox.

J. V., O. Slocum.

Delegate:

P. W. Chapman.

Alternate:

P. C. White.

Post No. 656—Riverhead.

Com., T. Britton.

S. V., W. F. Dayton.

J. V., B. A. Brown.

Delegate:

G. A. Buckingham.

Alternate:

C. A. Fredrick.

Post No. 662—Vacant.**Post No. 663—Lysander.**

Com., P. Deitrich.

S. V., J. Green.

J. V., E. Van Etten.

Delegate:

R. Terpening.

Alternate:

E. Van Etten.

Post No. 657—Vacant.

Post No. 664—Dolgeville.

Com., Levi Helmer.
S. V., Eben Thesher.
J. V., J. E. Bliss.

Delegate:

C. J. Spofford.

Alternate:

James S. Stone.

Post No. 665—Middle Grove.

Com., G. N. Dingman.
S. V., O. Conklin.
J. V., D. W. Barney.

Delegate:

Asher Cook.

Alternate:

L. T. Parmenter.

Post No. 666—East Randolph.

Com., J. F. Baxter.
S. V., J. G. Benson.
J. V., I. A. Monroe.

Delegate:

M. B. Jones.

Alternate:

J. G. Benson.

Post No. 667—Fayetteville.

Com., H. J. Knapp.
S. V., E. F. Hopkins.
J. V., W. Ammerman.

Delegate:

W. W. Gunn.

Alternate:

A. Goodfellow.

Post No. 668—Vacant.

Post No. 669—Brooklyn.

Com., J. E. Smith.
S. V., L. Sharpe.
J. V., H. Gugerty.

Delegate:

Wm. Williams.

Alternate:

_____.

Post No. 670—East Syracuse.

Com., E. J. Evans.
S. V., J. L. Radley.
J. V., M. H. Ochsner.

Delegate:

P. S. Aylward.

Alternate:

A. Abbey.

Post No. 671—Watervliet.

Com., S. W. Snyder.
S. V., W. Spencer.
J. V., G. H. Smith.

Delegate:

S. Sexton.

Alternate:

W. T. E. Yearsley.

COMMANDER'S REPORT.

The Commander.—The next thing in order will be the reading of my report, I hope that you will give your attention, because you will understand that this is a large hall.

COMRADES.—In the assembling of this the Fortieth Annual Encampment of the Department of New York, Grand Army of the Republic, I greet and welcome you. We have arrived at another mile-stone in the history of this Department. A year ago when you placed in my hands the gavel, and I accepted the high office

and the great honor, I only partially realized the duties and responsibilities that went with it. From the very first day that I assumed the obligations, I felt the weight of the responsibilities. At that time the one encouraging feature was your electing me Department Commander, for it signified your confidence in my ability to ably and honestly perform the duties of the office. To-day I place before you the summing up of the work done, and for the errors made and for my short-comings, if any, I ask your indulgence, assuring you they did not come from the heart.

In submitting his annual report, the Commander congratulates himself that he sees so little to criticise and so much to commend in the comrades of this Department. During my term of office, it has been my aim to foster and develop those principles of our order which commend themselves to every comrade, and in every act and example to urge the comrades to stand shoulder to shoulder in the front line of the organization's fraternal field of battle. I have been pleased to note the manifestations of the spirit of fraternity, charity and loyalty that exists among the members of our order to-day. More and more I trust as the years go by, will such a spirit prevail. However, the year has gone beyond recovery. Its thoughts, words and deeds have taken form and shape, and no power can change them. The good action will be eternally good, and I hope that it may be so considered by the comrades of the great Department of New York, that if there has been any but good actions, they may be overlooked, and many comrades may cover over these the mantle of charity.

I desire to again express my gratitude at the commendable progress that has been made in many things connected with the well-being of our organization. There is a growing desire on the part of the comrades by doing and appearing well at all times to merit the approbation of all good people. The Encampment at Denver was a revelation. Peculiar notions had in some quarters been entertained concerning what we were, and what would become of Denver when the "boys" should arrive. I am happy to report that no serious losses were sustained by the city of Denver on account of the veterans. On the contrary, the good people who entertained us so loyally, had

only one criticism to make about the invading army of the nation's defenders, and that was "that for courage, for good humor, for honesty and for stalwart manhood, the veteran soldiers who visited Denver could not be matched in all the world." Denver will long be remembered as one of the most fraternal gatherings in the history of the Grand Army of the Republic, and I again congratulate you upon the splendid appearance, soldierly bearing and moral behavior of the comrades representing the Department of New York at Denver.

STEPHENSON FUND.

I regret to announce that the pledge of \$750 to the Stephenson Fund, made by the representatives of this Department at the National Encampment at Denver, remains unsettled. It was my wish, and I have done everything possible to close the account. The amount received to date \$675. Still due \$75. I respectfully recommend that action be taken by the members of this Encampment, by resolution or otherwise, authorizing the liquidation of this just debt, and fraternal obligation. Comrades, this question, no doubt, is one of sentiment. It was sentiment that made our dead comrades the heroes that they proved themselves to be during the four years of war. The flag they followed simply represented a sentiment, but there was inspiration enough in the sentiment to lead men to deeds of heroism as grand as the world ever saw. May this same sentiment prevail in the Grand Army of the Republic until a monument is erected worthy of the life and the work of the *founder* of our noble order.

SAN FRANCISCO.

I have only congratulations for the Comrades and Posts of this Department, for their immediate and generous response to Circular No. 4, issued from these Headquarters, for the relief of the suffering comrades of the Grand Army of the Republic living in San Francisco, the Department Commander announces that the sum of \$959 has been received at these Headquarters, and a number of Posts and individual members of this Department sent direct to San Francisco the sum of \$460, all of which is credited to the Department of New York, Grand Army of the Republic, making a grand total of \$1,419.

COMMANDER-IN-CHIEF.

Comrades, I know you will join with me when I say, that I regret exceedingly the absence of Commander-in-Chief Tanner from this Encampment, business pertaining to his office having called him to other sections of the country. I cannot recall an Encampment of this Department that he was absent. A year ago at Syracuse, great interest was taken in his candidacy, and the same loyal interest followed him to Denver, for we thought him preeminently fitted to grace the exalted position of Commander-in-Chief. The comrades did not arrive at their convictions by an 'at random guess, either, for Corporal Tanner has demonstrated on many occasions his ability, and we all now that he is wrapped up in the Order, and has always had the interest of the members at heart. I regret his absence from this Encampment.

LEGISLATION.

The Committee on Legislation has looked after the welfare of this Department in a very able manner, closely scrutinizing every bill introduced, either in the Assembly or Senate, to be sure that there was nothing embodied in a bill that would hurt any veteran in or out of the Grand Army of the Republic injuriously. If the tendency of a bill was good and useful to the comrades of the Grand Army, it was well looked after in all its stages; if hurtful, it received the Committee's condemnation, and not a stone was left unturned to hurt it.

Two bills of a personal character came before this Legislature.

One bill, Assembly bill No. 2,071 (introduced by request of Assemblyman A. J. B. Wedemeyer from Richmond, which had a clause inserted that would have seriously hurt many of our comrades of the Grand Army holding positions under the Civil Service. The Committee got after this bill (footed) and had the assistance of very many of the men employed at the Capitol. Credit must be given to Assemblyman Wedemeyer in that although its introducer, he opposed it, and did not propose to call it up for consideration.

The bill known as Assembly bill No. 1,205 (after it had been amended), introduced by Assemblyman Wm. H. Burns of New York City, entitled an act "To amend the Civil Service Law, relating to retiring veterans," being in favor with the veterans of this Department, was vigorously pushed by Committee and comrades interested; as introduced, the retiring age was sixty-five years, the Senate amended making the age seventy. This amendment was fought tooth and nail, and by united efforts, so influenced the Senate that they rescinded their action, receding from their stand, and again inserted the age limit as in the original bill, namely, sixty-five years. This passed both the Assembly and Senate, but was vetoed by the Governor. During the past winter, so far as I am informed, nothing inimical to our interest has been placed on the statute books in this State.

SOLDIERS AND SAILORS' HOME (BATH).

Among the many events during the past year, my visit to the Soldiers and Sailors' Home at Bath was most prominent. I was welcomed and hospitably received and entertained by the Commandant, Comrade Joseph E. Elwell, and his estimable wife. Comrade Elwell was painstaking in showing me every department of the Home, and I came away perfectly satisfied that everything that could possibly be done for the comfort of the veterans domiciled there was being done by Comrade Elwell and his efficient corps of officers and assistants. Everything is neat and clean; the food, the best the market affords, and well and properly cooked. If any comrade complains at the treatment, the fault is with him, not the management.

In looking over the premises, I took particular pains to talk with the inmates and found them without exception, perfectly happy and contented. I came to the conclusion the "boys" evidently appreciated a good thing when they have it.

The surroundings are all that could be wished—pure air, fine scenery, beautiful and well-kept grounds.

The present number of inmates is 1,800. Some are on furlough. I did not learn that any had been discharged from the Home for disobedience of orders. Discipline is very essential.

Every intelligent comrade knows that good discipline is necessary to good management, and it is for the good of all that wholesome discipline is maintained.

The management of the Home is in good hands, and for the pleasure of our comrades, I trust that Comrade Elwell will long continue as its Commandant.

OXFORD HOME.

No less of a pleasure was my visit to the Oxford Home. Although your Commander is in no way officially connected with the Home, yet he deemed it his duty to you, under the circumstances, to ascertain as far as possible the condition of affairs, in order that he might suggest such needful action on your part as deemed advisable. I am pleased to inform you that everything is harmonious and peaceful.

I was courteously received by the Superintendent, Comrade J. O'Connor, who did all in his power to make my visit a pleasant one, and he succeeded, as he does in everything he undertakes. Under his able management, I predict beneficial results. Everything points to a most successful administration of the affairs of the Home. To-day general good-fellowship and mutual attentiveness prevails, and are important factors in successful management.

The Board of Managers are alert and active workers, and suggesting and introducing new features for the upbuilding and success of the institution. They are determined to keep up good work and place the Home where it rightly belongs, and that to none.

A pleasant feature was a special meeting of Admiral Mead No. 40, called in honor of the Department Commander. With the comrades, all inmates of the Home, and we had a heart talk. At the closing of the Post, a meeting of the man's Relief Corps was held, and your Commander was the guest of honor. In both instances, the meetings were very beneficial to the Commander, as I trust they were to the members of both Post and Corps.

MOUNT MCGREGOR.

I visited Mount McGregor, and it was an interesting and enjoyable trip. The future and present welfare and interest of that historical spot, and the cottage wherein the great General passed the last moments of his life, is carefully looked after by our Comrade, O. P. Clark, the official custodian. All needful appropriations for repairs to buildings and grounds are willingly made by the Legislature.

MEMORIAL DAY.

From the reports received, Memorial Day was commendably observed throughout the Department of New York. It is a day above all others that comrades are willing and anxious to do their part toward making it a sacred day. It is a day of unselfish devotion; it is a day that brings comrades into closer fraternal relation, and to cherish those feelings that thrive and put forth blossoms in each others' welfare. The exercises of Memorial Day make comrades thoughtful and helpful, expanding the sentiment of fraternity and loyalty.

FORTIETH ANNIVERSARY.

It is pleasing to your Commander that the Fortieth Anniversary of the organization of our grand order was appropriately and fittingly observed. In many places, special commemorative public meetings were held, giving a brief history of the order, its objects and principles, and the names of those prominent comrades who had been its promoters and zealous supporters were not forgotten. Invitations were extended to kindred organizations to unite in the celebration and in every instance, so far as I can learn, were accepted.

DEATHS.

This year has been a memorable one in that many have gone from us whose presence in the Post room will be missed, and their genial smile and hearty hand shake at this Encampment.

The prediction that each year will record an increase in the death rate among our members is only too true. The circle is growing smaller, one comrade after another has passed away.

Day after day at roll call we hear of comrades who are not present "but accounted for."

In the past year 1,257 comrades have joined the great majority. On July 16th, 1905, came the sudden and sad intelligence of the death of our lamented Commander-in-Chief, Wilmon W. Blackmar; Rev. Father J. F. Leary, Chaplain-in-Chief. They were followed closely by the deaths of Comrades Parkinson, Senior Vice Department Commander, Edward H. Fassett, Junior Vice-Department Commander, Patrick Henry Murphy, Commander LaFayette Post, No. 140, on August 28th, 1905, P. W. Yung, Commander Post No. 32, and C. W. Fifield, Commander Post No. 265, Henry H. Adams, Past Commander Post No. 140,

Their work during and since the Civil War, possibly not such as will be printed in human history, but they are written in human hearts, and they are treasured in human souls.

Not a comrade has passed away but that we can recall some deed of patriotism and devotion to country, some act in the relieving of a worthy comrade, and a kindness in speech that has left pleasant memories never to be forgotten.

It is just and proper that we mingle our tears with those who were bound to them by the closer ties, to sorrow with them in their great sorrow, and weep with them in their bereavement.

THE WOMAN'S RELIEF CORPS.

The Woman's Relief Corps, our auxiliary, is a grand and helpful organization. In my travels during the past year, it has been my pleasure to meet at a number of receptions, reunions and camp fires, the Department President, Mrs. Florence Earle Payne, and those prominent in that organization, and in every instance my faith in their beneficent and charitable work has increased. They are steadfastly advancing and faithfully carrying out the principles that unite them, working unceasingly in the interest of the veterans and their dependent ones, and tireless in their work of love and devotion to the Grand Army of the Republic.

"When man's strength fails, woman's wit prevails." It is truly a helpful organization, and under the fostering care of noble women, the work is being unselfishly put forward. The Oxford Home stands as a monument of their patriotic devotion.

As an organization, the Grand Army of the Republic is under many obligations for repeated, yes, daily benefactions. But for their help, many Posts that are prosperous to-day, would have passed out of existence long ago.

LADIES OF THE G. A. R.

Another kindred organization is the Ladies of the G. A. R., whose efforts to assist our Order in the patriotic and charitable work is manifesting itself on all sides. While numerically not as strong as their sister organization, still their object and aim is to successfully carry out the beneficent purposes for which they are banded together; principally among other things, to seek out and aid needy comrades and their families and to assist in every way possible the Grand Army of the Republic. They are certainly faithful and loyal to those principles, and during the past year, under the able management of Mrs. Florida E. Lawrence, their Department President, they have advanced both in membership and beneficial results for good.

DAUGHTERS OF VETERANS.

This organization was born on Memorial Day, 1885, at Massillon, Ohio. On that day five of these girls on their return from the cemetery, where they had assisted in decorating the soldiers' graves, decided to organize an order for the purpose of assisting the Grand Army on Memorial Day. They live to perpetuate the memories of their fathers and brothers, their loyalty to the Union and their unselfish sacrifices, and to keep green the memory and history of those who participated in that heroic struggle. The New York Department Daughters of Veterans this year, for the first time, hold their Department Convention at the same time and place as the Grand Army of the Republic. They are with us to-day. Comrades, extend to them a fraternal welcome.

SONS OF VETERANS.

This is a wide awake and always doing something organization. The past year, under the efficient and helpful management of its Division Commander, William B. Moynihan, it has made great strides in increasing the membership and in inculcating the spirit of patriotism and love of country in the hearts of young and old

alike. They deserve our consideration and hearty support. As we grow less in number, they are growing stronger. The sons must necessarily take up the work established by their fathers, and so long as we live, they are entitled to our *guidance* and *help* for the same blood flows through their veins. Our duties of to-day will be their duties on the morrow that is to come. In a few years they must substantially take our places.

STAFF AND COUNCIL.

I was particularly favored and fortunate in having as my associates on the Department staff, both elected and appointed, comrades who were willing workers and at all times interested in our Order.

If the pathway of my administration has been marked with well doing it is to my staff and the Council, in a great measure, that is due the praise. Our associations have been of the easantest kind. At my every solicitation for assistance and vice, they responded willingly. In passing judgment upon the ministration that closes its affairs at this Encampment, the stakes, if any, rest upon the Department Commander. The prior and Junior Vice-Department Commanders, Chaplain, Medical Director, Department Inspector, Chief Mustering Officer, Riotic Instructor and Senior Aide-de-Camp have been courteous and helpful and did much to lighten the work of the Commander. The Judge Advocate rendered most valuable assistance.

comprehensive knowledge of the Rules and Regulations governing our Order, his excellent judgment in cases of law and ; and his devotion to the duties of his office, command my y appreciation. The Assistant Adjutant-General and Assistant Quartermaster-General deserve special mention for the nt manner in which they have performed their arduous . At meetings of the Council, which were well attended, was no friction or contention, but all were marked by that ial feeling and sentiment which ought at all times to exist members of the Grand Army of the Republic. The staff, I all, have met my highest expectations as co-workers.

bership January 1, 1906, 28,268; gained by muster, 273; sfer, 152; by reinstatement, 244; making a gain of 681.

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Losses by death, 612; by honorable discharge, 26; by transfer, 148; and suspension, 656; total loss 1,142.

Net loss, 786.

Total net loss for year of 1,501.

From the report of the Assistant Adjutant-General I would submit the following figures as to membership and for a detailed statement. I would refer you to the report of the Assistant Adjutant-General.

Membership January 1, 1905, 29,076; gained by muster, 336; by transfer, 159, and by reinstatement, 310; making a total gain of 805, and the losses for same period were as follows: By death, 569; by honorable discharge, 35; by transfer, 187, and by suspension, 593; making a net loss of 715.

COURT MARTIALS.

I am pleased to state that during my administration of the office of Commander in the past year, while the usual amount of friction, incident to so large a Department as is this, all questions arising among Posts or individual members of Posts have been settled to the satisfaction of this Department and the comrades interested, with one exception, which I very much regret, that of the Commander of W. S. Hancock Post No. 259, which of necessity I must turn over to my successor, my term of office being too near its close when this was brought to my attention. I regret exceedingly that I am obliged to do this, for I would much rather prefer to turn over the office to my successor with the assurance "That all was quiet along the lines."

CLOSING.

In conclusion your Commander gratefully acknowledges the many courtesies shown him on every occasion during his term of office. The labors of the past year are but the earnest of what we must continue to do in the year to come. No comrade can labor in a more sacred cause. Fraternity, charity and loyalty form the keystone of our arch. I have read somewhere, a long time ago, the following and I think it applicable and appropriate: "A certain painter was engaged in executing a sketch of an Emperor. The monarch had been a great soldier. On many a battlefield he had distinguished himself for his courage. In one

of his numerous battles he had been struck with a sword upon the forehead, and a great scar had been left upon the right temple. The artist saw this, and being a master in his art, sketched the hero leaning on his elbow, with his finger covering the scar on his forehead. The likeness of the King was taken without the scar."

Let us put the finger of charity upon the scar of our comrades, whatever that scar may be. It is our highest privilege to exercise a tender and forbearing charity towards one another and recognize in spite of certain moral defects, the presence of a heart brave in war and loyal in the day of peace.

The Committee on the Commander's report, to whom this report was referred, subsequently reported thereon as follows:

The undersigned, Committee on the Commander's report, respectfully report that they heartily approve and endorse said report and recommend that the same be approved and adopted by the Encampment; and that special action should be taken by the Encampment in regard to that portion of said report referring to the deficiency in the Stephenson memorial fund.

CHARLES H. FREEMAN,
E. J. ATKINSON,
J. S. GRAHAM,
HARRISON CLARK,
CHARLES A. ORR,
JOHN C. SHOTTS.

Committee.

The recommendation of the Committee was adopted and the report was approved and adopted.

Comrade Joseph B. Lord.—I move that the reports of all of the other Department Officers be received and referred to the proper committees, when appointed, without being read.

This motion was adopted.

Comrade S. McAuliffe.—I offer the following resolution: That all resolutions presented for the consideration of this Encampment be read and referred to the Committee on Resolutions, when appointed, without debate.

This motion was adopted.

Comrade Lewis Griffith, Post 34.—You have heard in the Commander's report, that there is a deficit in the contributions of

this Department to the Stephenson monument fund. While we were at Denver the several Departments were called upon by General Wagner, the Chairman of the Special Committee, to make contributions for the completion of the memorial to Benjamin F. Stephenson, the originator and founder of this Order. We were very much interested in the proceedings of the Convention, and deeply interested in the election of Comrade Tanner. The eyes of the Encampment turned toward this, the largest Department in the entire jurisdiction. The various Departments came up and made their contributions. Ohio presented the most formidable candidate against Comrade Tanner; that brilliant son of Ohio got up and contributed five hundred dollars for Ohio. What did we do? We went two hundred and fifty dollars better. It was not the Commander who made the offer; for I know him so well, that although he is not beyond laboring for his daily bread, if it had been his individual action he would have paid it long ago. It was the determination of the delegates that he stand up and make that contribution. They were your delegates and your representatives. It is your debt. There were several who stood by my side who said "I will contribute." Some gave \$100, some gave \$50, some \$25. Then the appeal went broadcast throughout the Department; and still to-day of the amount, that was to honor one of the bravest and best comrades who ever served in a suit of blue, whose mind originated and planned this grand Order you all love, and whose memory we are trying to keep green, with a monument, there is a deficit; and New York is on the black list to the extent of seventy-two dollars. Are there seventy-two comrades here who will give one dollar each?

Cries of "Yes, yes, yes."

Comrade Griffith.—If there are seventy-two comrades who will each give one dollar, let us take it at once. Comrade Knight, of Brooklyn, you collect the dollars on your side; Comrade Bundy, of Troy, collect on your side; Comrade Orr, of Buffalo, collect in the middle of the hall.

In accordance with Comrade Griffith's energetic suggestion, which was acted on without waiting for any formal action to be taken by the Encampment, the three comrades named collected contributions from the Encampment; after counting the

money thus collected it was found that the sum of \$120.75 had been taken up.

Comrade Griffith.—I was not mistaken about these boys. I did not ask for three or four hundred dollars. We have 120.75. Now what shall we do with the surplus?

Cries of "Give it all in."

The Commander.—As many as are in favor of the whole amount collected, \$120.75, being contributed to the Stephenson fund by the Department Commander, will say aye.

This disposition of the money was unanimously approved and directed.

The Commander.—If there are any National Officers present or members of the National Staff, Department Commanders of other Departments, and Past Department Commanders of this State, and all members of the Department Staff, are invited to take seats on the platform. I hope every one will avail of the invitation. The next in order is the reception of reports of officers. I announce the appointment of the following committees:

ENCAMPMENT COMMITTEES.

Committee on Department Commander's Report:

Charles H. Freeman.

Edward J. Atkinson.

Harrison Clark.

John C. Shotts.

James S. Graham.

Charles A. Orr.

Committee on Senior Vice-Department Commander's Report:

	POST.
W. C. Smith.....	6
Fred Cossum	37
J. H. Swift.....	350

Committee on Junior Vice-Department Commander's Report:

D. C. Bangs.....	2
L. L. Hanchett.....	285
S. N. Keener.....	99

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Committee on Assistant Adjutant-General's Report:	POST.
H. E. Turner.....	200
William Sears	151
Wilbur F. Brown.....	140

Committee on Assistant Quartermaster-General's Report:	
George E. Dewey.....	135
Frank Z. Jones.....	419
H. S. Redman.....	84

Committee on Medical Director's Report:	
D. W. Crumb.....	456
John Parsons	203
P. D. Leys.....	654

Committee on Department Chaplain's Report:	
G. B. Fairhead.....	31
James A. Tappen.....	620
W. E. Kimball.....	381

Committee on Chief Mustering Officer's Report:	
James A. Taggart.....	9
H. J. Swift.....	183
C. A. Bundy.....	141

Committee on Judge Advocate's Report:	
Joseph E. Ewell.....	2
H. D. Ellsworth.....	346
O. P. Clark.....	498

Committee on Department Inspector's Report:	
S. McAuliffe	409
M. J. Cummings.....	148
C. H. Bronson.....	81

Committee on Resolutions:	
N. Martin Curtis.....	354
H. S. Tarbox.....	299
James McCarty	587
R. B. Greenwood.....	607
F. C. Barger.....	140

Committee on Report of Woman's Relief Corps:	POST
James R. Silliman.....	607
George H. Taylor.....	182
Benjamin J. Bodine.....	524
Committee to Visit Ladies of G. A. R.:	
A. H. Rogers.....	75
Clark S. Higgins.....	378
Frederick L. Schaefer.....	24
H. S. McLeod.....	338
Committee on Assistant Quartermaster-General's Ac- counts:	
W. S. Newman.....	226
W. H. Daniels.....	354
R. H. Fargue.....	35
Committee on Department Roll:	
P. M. Wales.....	338
James R. Gibbs.....	498
George H. Powers.....	534

Report of Senior Vice-Department Commander.

SARATOGA SPRINGS, N. Y., *June 21, 1906.*

JAMES M. SNYDER, *Commander, Department of New York of the Grand Army of the Republic:*

Dear Sir.—I have the honor to report that upon my elevation to the Senior Vice-Commandership, owing to the demise of our respected comrade, Brother Parkinson, I attended to the duties of my office, and attended the meetings of the several Posts, throughout the City and State of New York, as far as possible. I have found the spirit of fraternity, charity and loyalty pervading throughout the entire State, where I have visited.

The duties of the Senior Vice-Commander, being only such of an official character, in case of the absence or demise of the Commander, are rather vague. I, therefore, recommend that some legislation shall be enacted to make more definite his duties.

I wish to thank you, honored Sir, and the members of the Department, for the very courteous treatment during my term of office, and hope that my successor will receive the same acts of kindness from them that have been tendered me.

Very respectfully,

GEORGE E. DEWEY.

The Committee to whom this report was referred subsequently reported thereon as follows:

SARATOGA SPRINGS, N. Y., *June 21, 1906.*

JAMES M. SNYDER, *Commander, Department of New York of the Grand Army of the Republic:*

Dear Sir and Commander.—The Committee on the Senior Vice-Department Commander's report would submit the following:

We heartily coincide with the recommendations of the Senior Vice-Commander, and would commend him for the faithful per-

formance of his duties. We find that he has spent considerable of his valuable time attending to the duties of the office, that are not specified in the Rules and Regulations, and is, therefore, entitled to the hearty commendation of yourself and of the comrades of this Department.

Very respectfully submitted,

W. CHARLES SMITH,

FRED COSSUM,

J. H. SWIFT,

Committee.

The report was adopted.

Report of Junior Vice-Department Commander.

SARATOGA SPRINGS, N. Y., *June 21, 1906.*

JAMES M. SNYDER, *Commander, Department of New York of the Grand Army of the Republic:*

Dear Sir.—I have the honor to report in compliance with the regulations of the Order, that having been elected the Junior Vice-Commander of this Department, vice Comrade Fassett, deceased, I have visited in my official capacity many of the Posts and Camp Fires, which have occurred during the unexpired term of my predecessor, and have attended all of the meetings of the Council of Administration, and assisted in the legislation in the interests of the Department, and in all other matters pertaining to the office, too numerous to mention and of incidental character.

For the courtesy and kindness extended to me by the Commander and Department officers, and members of the Grand Army of the Republic, I express my most sincere thanks.

With profound respect, I am

D. J. O'BRIEN,
Junior Vice-Commander,
Department of New York.

The Committee to whom this report was referred subsequently reported thereon as follows:

SARATOGA SPRINGS, N. Y., *June 21, 1906.*

JAMES M. SNYDER, *Commander, Department of New York of the Grand Army of the Republic:*

Dear Sir.—As the Committee appointed to examine the report of the Junior Vice-Commander of this Department, we report as follows:

We have investigated the work done, as per his report by the Junior Vice-Commander during his short incumbency of that position, and find that he has faithfully performed all the duties that devolved upon him to the satisfaction of the Department.

Very respectfully yours,

WM. H. HOYT, Post No. 2.

A. H. STAFFORD,

S. N. KEENER, Post No. 99.

The report was thereupon adopted.

Report of Assistant Adjutant-General.

HEADQUARTERS, DEPARTMENT OF NEW YORK,
GRAND ARMY OF THE REPUBLIC,
CAPITOL,
ALBANY, N. Y., June 20, 1906.

JAMES M. SNYDER, *Department Commander:*

I have the honor to submit herewith my report as Assistant Adjutant-General for the Department of New York during your Administration. The following table from the records at Department Headquarters show the condition and membership of the Department at the close of the year 1905:

Number in good standing January 1, 1905.....	28,557
Gain for six months ending June 30.....	987
Gain for six months ending December 31....	681
Total gain.....	1,668
Loss for six months ending June 30.....	1,276
Loss for six months ending December 31....	1,472
Total loss.....	2,748
Net loss during year.....	1,080
Total membership January 1, 1906.....	27,477
Lost by death during year.....	1,257
Lost by suspension during year.....	1,096
Being 136 more than previous year.	
There has been reported expended in charity:	
First term.....	\$19,805 79
Second term.....	18,928 53
Total expended.....	\$38,734 32



SPENCER W. SNYDER,
Assistant Adjutant-General.

er of members and their families relieved	
ing the year 1905.....*	1,914
er not members.....	711
	<hr/>
otal.	2,625
	<hr/> <hr/>

L. McPherson Post, No. 449 of this Department, located at N. Y., surrendered its charter December 19, 1905.

S. Austin Post, No. 315 of this Department, located at ville, N. Y., surrendered its charter January 18, 1906.

amount expended for relief as reported from the Quarter- of the Posts throughout this Department is so interwoven ie relief fund set aside by the cities, towns and villages erans and their families, that it is impossible to designate w much the Post has given for this purpose.

lation to the Stephenson Monument Fund, this Depart- ough you, pledged at the Thirty-ninth National Encamp- eld at Denver, Colorado, September, 1905, the sum of The comrades of this Department have responded nobly, ou take into consideration that this was the third call n this Department for this worthy object. Very many

osts are small in numbers and have no more funds than y for actual running expenses, but even they have con-

their mite, in consideration of the noble purpose in- and I have no doubt that when this Department makes et to the Fortieth National Encampment at Minneapolis, n August next, every dollar will have been paid in.

Department has suffered in its loss of officers from death, previous Department for years has been so afflicted. As it had begun its administration, and soon after the first of its Council of Administration, our beloved Comrade, Vice-Commander E. C. Parkinson, passed from among nswered to the last roll call. Comrade Parkinson died n Springs, N. Y., Monday, July 31, 1905, and at the of Administration held August 29, 1905, at the Head-

Capitol, Albany, N. Y., the vacancy existing in the Junior Vice-Commander was filled by the election of H. Fassett of Kingston, but before he had met with his

comrades of the Council of Administration, death, which is now reaping an abundant harvest, called him from among us, and he went to join the great commanders who had gone before; thus just four months to a day from his election as Junior Vice-Commander, death claimed him.

"A fellow feeling makes one wondrous kind"—and comradeship in the Grand Army of the Republic binds together those who stood shoulder to shoulder, though they be scattered far and wide, so in the great calamity that has overtaken our comrades in the stricken city of San Francisco, our sympathy and love showed itself in works, and all over this Department, Post after Post and comrade after comrade sent to the Headquarters relief in checks, money orders and drafts, and very many Posts upon receiving the news, knowing that help was instantly demanded, sent their drafts direct to some prominent comrade in San Francisco for immediate distribution to the comrades in need. Thus this Department will contribute through its Headquarters, and by Posts direct, the sum of \$1,648. This taken into consideration with the other relief that Posts have to bear, is a very good showing.

I wish also to report that with the exception of my severe illness, I have been in attendance at the Headquarters of this Department every day, with the exception of Sundays and holidays.

In conclusion, I wish to extend my thanks to you, my dear Commander, for your uniform courtesy and kindness, which has been extended to me all through my term as Assistant Adjutant-General, and I wish you to feel that it is appreciated by me, and will remain with me as long as life itself. I have endeavored to do my duties faithfully, and in a conscientious spirit. That I have made mistakes, as perhaps all have who preceded me, I acknowledge, but I can truthfully say that I have done nothing vindictively or maliciously, but have tried in every way to give satisfaction to every comrade in this Department, and as far as I know, have accomplished this object.

I wish also to extend my thanks to all my comrades on the staff and the Council of Administration for the many kindnesses and favors that I have received from them from time to time, and am satisfied that we are united in a closer bond of friendship

at the close, than at the beginning of our terms as members of the Council of Administration.

I also have enjoyed the communion with my comrades of this Department. We have been drawn closer together in our daily intercourse with each other, and have learned that fraternity really has a meaning, and when exercised in its true spirit, makes us better men, and better members of the Grand Army of the Republic.

Again thanking each and every comrade in this great Department of ours, I remain,

Sincerely and fraternally yours,

SPENCER W. SNYDER,

Assistant Adjutant-General.

The Council of Administration connected with this Department held four meetings during this term of office.

The first meeting was held at the Headquarters, Capitol, Albany, N. Y., on the 6th day of July, 1905, at 2 p. m. Called to order by the Department Commander, James M. Snyder.

At the meeting the following business was transacted, nearly all of the members of the Council being present.

On motion of Comrade L. E. Griffith, all members of the Council of Administration were to be paid their necessary traveling expenses attending such meeting.

Also the following allowances were made for salaries and expenses:

The Department Commander for traveling expenses, \$500, the Assistant Adjutant-General, salary \$500, and a further allowance of \$400, in consideration of his being present every day in the year at Headquarters except Sundays and holidays; Assistant Quartermaster-General, salary \$500; Department Inspector, salary \$300; Judge Advocate, salary \$150.

By vote of the Council of Administration, the Department Commander was empowered to hire Miss Bernice Case as clerk at Headquarters, the salary to be \$900.

It was also ordered that the Commander, Assistant Adjutant-General, and Judge Advocate be appointed a Committee to procure at Headquarters whatever was necessary in way of furniture, the amount not to exceed \$250.

The sum of \$400, or so much thereof as necessary was ordered to defray Headquarters expenses attending the National Encampment to be held at Denver, Colorado, in September, 1905.

The Quartermaster was also authorized to purchase stationery and supplies for his Department.

The bill of William F. Mullin of \$20 for service rendered, was audited and ordered paid.

On motion it was ordered that the clerk, Miss Bernice Case, give good and sufficient bond for the faithful performance of duty, bond to be for \$1,500. The bond was given and filed.

The Department Chaplain made a request for funds for his Department. After discussion, it was ordered that in compiling his report, a clerk would be allowed him, paid by this Department.

On motion, the Commander, Assistant Quartermaster-General and Judge Advocate were appointed a Committee on Headquarters train for Denver.

SECOND MEETING, COUNCIL OF ADMINISTRATION.

The second meeting of the Council of Administration took place at Headquarters, Capitol, Albany, on August 29th, called at 10:30 by the Department Commander, James M. Snyder.

Report was received from the Assistant Quartermaster-General, E. J. Mitchell, in relation to the National Encampment at Denver, Colorado, that he had received word from Comrade Pierce, who had charge of decorating Headquarters, that he had performed the work according to contracts, but that he (E. J. Mitchell) could not approve of it until he had arrived in Denver and inspected for himself.

After discussion as to how the Officers of the Department should appear in the grand parade at Denver, whether on horse back or on foot, it was finally determined that they walk on that occasion.

On motion of George E. Dewey, Senior Vice-Commander, the staff adopted the following uniform:

Double breasted coat, pants with gold cord, and Grand Army cap.

Motion by Col. E. J. Mitchell:

Resolved, That Comrade Edward H. Fassett be elected Junior Vice-Commander to fill the vacancy occasioned in the Depart-

nt by the promotion of Senior Vice-Commander, George E. wey.

arried.

otion by Col. L. E. Griffith, Judge Advocate: That the De-
tment Commander be directed to notify Comrade Edward H.
sett at once of his election.

arried.

enior Vice-Commander, George E. Dewey, expressed his sor-
and regret at not being able to go to the National Encamp-
t with the Department, owing to the serious illness of his
who was associated in business with him.

l. Murphy moved that a vote of sympathy be given to the
w of Col. Patrick Henry Murphy, late Commander of Post
140, in her great affliction, in the sudden death of her hus-
, our comrade, and that a letter be written to her conveying
ympathy and on Comrade Murphy's suggestion, Judge Ad-
e Lewis E. Griffith was requested by the Department Com-
er to write same, the Judge Advocate agreeing.
motion, adjourned.

Committee to whom this report was referred, subsequently
ed thereon as follows:

Department Commander:

Committee appointed by the Department Commander upon
thin report of the Assistant Adjutant-General, have care-
onsidered the same, and heartily endorse it for its brevity,
ness and fulness; showing the careful attention given to
ties of the office of Assistant Adjutant-General, and the
plication thereto during his official term.

1, June 21, 1906.

HENRY E. TURNER,
WM. SEARS,
WILBUR F. BROWN,

Committee.

report was thereupon adopted.

Report of Assistant Quartermaster-General.

HEADQUARTERS, DEPARTMENT OF NEW YORK, G. A. R.,
OFFICE OF THE ASSISTANT QUARTERMASTER-GENERAL.

CAPITOL, ALBANY, N. Y., June 12, 1906.

COL. SPENCER W. SNYDER, *Assistant Adjutant-General*:

Dear Sir and Comrade.—As required by the Rules and Regulations of the Grand Army of the Republic, I have the honor of submitting to you a full and detailed report and detailed statement of the business transacted in this office from June 12, 1905, to June 12, 1906, inclusive.

Respectfully in F. C. & L.,
Assistant Quartermaster-General.

Received from sale of supplies, months of June and July, 1905.....	\$52 36
Received from sale of supplies, month of August, 1905	48 25
Received from sale of supplies, month of September, 1905	149 32
Received from sale of supplies, month of October, 1905.....	113 18
Received from sale of supplies, month of November, 1905.....	104 11
Received from sale of supplies, month of December, 1905.....	81 57
Received from sale of supplies, month of January, 1906	154 10
Received from sale of supplies, month of February, 1906	85 14
Received from sale of supplies, month of March, 1906.....	65 00
Received from sale of supplies, month of April, 1906.....	64 72



EDWARD J. MITCHELL,
Assistant Quartermaster-General.

Received from sale of supplies, month of May, 1906.	\$99 95	
Received from sale of supplies to June 12..	20 35	
	<hr/>	\$1,038 05
Received from per capita tax, first term....	\$2,118 80	
Received from delinquent Posts.....	112 48	
Received from per capita tax, second term.	2,169 76	
Received from delinquent Posts.....	4 16	
	<hr/>	4,405 20
Received from H. S. Redman, Assistant Quarter- master-General		2,431 49
Received from State of New York.....		1,500 00
Received from charter fees.....		6 00
Received from supplies turned over by H. S. Redman.		221 17
Received for San Francisco Relief Fund.....		894 00
On deposit, Dime Savings Bank.....	\$2,141 35	
Interest	75 58	
	<hr/>	2,216 93
On deposit, Albany Savings Bank.....	\$1,831 07	
Interest	64 64	
	<hr/>	1,895 71
On deposit, Albany Savings Bank (Defense Fund)	\$274 33	
Interest	9 68	
	<hr/>	284 01
Interest, National Commercial Bank.....		26 64
	<hr/>	
Total receipts.....		<u><u>\$14,919 20</u></u>

DISBURSEMENTS, 1905 AND 1906.

*Officers' Salaries.*Voucher
No.

30. Bernice Case, Clerk, July, 1905.....	\$75 00
31. E. J. Mitchell, Asst. Q. M. Gen'l, to July 22, 1905.....	41 67
32. Joseph B. Lord, Dept. Insp., to July 22, 1905	25 00
33. S. W. Snyder, Asst. Adjt.-Gen'l, to July 22, 1905.....	75 00
40. Bernice Case, Clerk, August, 1905....	75 00

168 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Voucher
No.

43. S. W. Snyder, Asst. Adj.-Gen'l, from July 22nd to September 1st.....	\$96 78
44. E. J. Mitchell, Asst. Q. M. Gen'l, from July 22nd to September 1st.....	53 78
45. Joseph B. Lord, Dept. Insp., from July 22nd to September 1st.....	32 26
55. Joseph B. Lord, Dept. Insp., Septem- ber	25 00
56. S. W. Snyder, Asst. Adj.-Gen'l, Sep- tember	75 00
57. Bernice Case, Clerk, September.....	75 00
58. E. J. Mitchell, Asst. Q. M. Gen'l, Sep- tember	41 67
65. Joseph B. Lord, Dept. Insp., October.	25 00
66. Bernice Case, Clerk, October.....	75 00
67. S. W. Snyder, Asst. Adj.-Gen'l, Octo- ber	75 00
69. E. J. Mitchell, Asst. Q. M. Gen'l, October	41 66
74. S. W. Snyder, Asst. Adj.-Gen'l, No- vember	75 00
75. Bernice Case, Clerk, November.....	75 00
76. E. J. Mitchell, Asst. Q. M. Gen'l, November	41 67
77. Joseph B. Lord, Dept. Insp., Novem- ber	25 00
84. S. W. Snyder, Asst. Adj.-Gen'l, De- cember	75 00
85. E. J. Mitchell, Asst. Q. M. Gen'l, December	41 66
86. Bernice Case, Clerk, December.....	75 00
87. J. B. Lord, Dept. Insp., December....	25 00
90. S. W. Snyder, Asst. Adj.-Gen'l, Jan- uary, 1906	75 00
91. Joseph B. Lord, Dept. Insp., January.	25 00
92. E. J. Mitchell, Asst. Q. M. Gen'l, January	41 67

Voucher
No.

93. Bernice Case, Clerk, January.....	\$75 00
113. Bernice Case, Clerk, February.....	75 00
114. S. W. Snyder, Asst. Adjt.-Gen'l, Feb- ruary	75 00
115. Joseph B. Lord, Dept. Insp., February.	25 00
116. E. J. Mitchell, Asst. Q. M. Gen'l, February	41 67
119. Bernice Case, Clerk, March.....	75 00
120. S. W. Snyder, Asst. Adjt.-Gen'l, March	75 00
121. Joseph B. Lord, Dept. Insp., March..	25 00
122. E. J. Mitchell, Asst. Q. M. Gen'l, March	41 67
128. E. J. Mitchell, Asst. Q. M. Gen'l, April	41 67
129. S. W. Snyder, Asst. Adjt.-Gen'l, April.	75 00
130. Joseph B. Lord, Dept. Insp., April...	25 00
131. Bernice Case, Clerk, April.....	75 00
137. Bernice Case, Clerk, May.....	75 00
138. S. W. Snyder, Asst. Adjt.-Gen'l, May.	75 00
139. E. J. Mitchell, Asst. Q. M. Gen'l, May	41 67
140. Joseph B. Lord, Dept. Insp., May....	25 00
143. L. E. Griffith, Judge Advocate, year ending June 25, 1906.....	150 00
145. Bernice Case, Clerk, June 1st to 25th.	62 50
146. S. W. Snyder, Asst. Adjt.-Gen'l, June 1st to 25th.....	62 50
147. E. J. Mitchell, Asst. Q. M. Gen'l, June 1st to 25th.....	34 72
148. Joseph B. Lord, Dept. Insp., June 1st to 25th.....	20 83
	<hr/>
	\$2,755 05

CR. "

*Officers on Official Business.*Voucher
No.

18. James M. Snyder, Dept. Commander, account traveling expenses.....	\$100 00
35. E. J. Atkinson, of Troy, by order....	7 50

170 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Voucher
No.

41. James M. Snyder, Dept. Commander, account traveling expenses.....	\$200 00	
68. Joseph B. Lord, Dept. Insp., by order.	10 05	
78. Augustus W. Green, Dept. Chaplain, by order	10 00	
80. James M. Snyder, Dept. Commander, account traveling expenses.....	100 00	
94. E. J. Mitchell, Asst. Q. M. Gen'l, expenses to Minneapolis, by order..	77 83	
95. James M. Snyder, Dept. Commander, account traveling expenses.....	100 00	
107. Joseph B. Lord, Dept. Insp., by order.	12 25	
127. W. Chas. Smith, expenses to Auburn, by orders, in connection with Posts 37 and 45.....	13 79	
135. S. McAuliffe, Chief Mustering Officer, expenses to No. Cohocton, by order.	4 25	
138. S. W. Snyder, Asst. Adj.-Gen'l, ex- penses to Highlands in connection with Posts 168 and 420.....	3 25	
		<hr/> \$638 92

National Encampment Per Capita Tax.

Voucher
No.

29. Charles Burrows, Q. M. Gen'l, first term	\$494 69	
111. John Tweedale, Adj.-Gen'l, second term	480 85	
		<hr/> 975 54

National Encampment Expenses.

Voucher
No.

42. Heiser & Muhlfelder, ribbon for badges	\$16 25	
59. Incidental expenses.....	61 15	
63. Alexander & Owen, Savoy Hotel.....	254 05	
64. S. D. Pierce, decorating hotel.....	20 00	
		<hr/> 351 45

*Bills for Supplies.*Voucher
No.

16. Charles Burrows, Q. M. Gen'l.....	\$70 54
53. Charles Burrows, Q. M. Gen'l.....	118 00
70. John Tweedale, Adj't-Gen'l.....	64 06
73. Frank Battles, Q. M. Gen'l.....	53 00
83. Frank Battles, Q. M. Gen'l.....	9 00
88. Frank Battles, Q. M. Gen'l.....	64 66
108. Frank Battles, Q. M. Gen'l.....	35 50
112. Frank Battles, Q. M. Gen'l.....	24 25
126. Frank Battles, Q. M. Gen'l.....	88 99
136. Frank Battles, Q. M. Gen'l.....	25 56

\$553 56*Bills of Former Administration.*Voucher
No.

1. L. V. S. Mattison, Council meeting at Syracuse	\$4 00
2. James A. Taggart, Council meeting at Syracuse	6 00
3. H. D. Ellsworth, Council meeting at Syracuse	12 00
4. P. D. Leys, Council meeting at Syra- cuse	11 50
5. W. C. Smith, Council meeting at Syra- cuse	8 00
6. P. W. Yung, Council meeting at Syra- cuse	10 00
7. James A. Tappen, Council meeting at Syracuse	12 00
8. L. L. Hanchett, Council meeting at, Syracuse	12 00
9. M. J. Cummings, Council meeting at Syracuse	10 00
10. John Kohler, Council meeting at Syra- cuse	4 50
11. E. C. Parkinson, Council meeting at Syracuse	14 40

172 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

12. John Dwyer, Council meeting at Syracuse	\$17 40	
13. Noah Tebbetts, ordered by Council...	62 72	
14. W. F. Mullin, ordered by Council....	50 00	
		<hr/>
		\$234 52

Amount Paid for Printing.

Voucher No.		
37. S. H. Wentworth.....	\$79 76	
62. S. H. Wentworth.....	57 16	
71. S. H. Wentworth.....	53 85	
82. S. H. Wentworth.....	24 40	
109. S. H. Wentworth.....	68 80	
117. S. H. Wentworth.....	84 40	
124. S. H. Wentworth.....	28 30	
132. S. H. Wentworth.....	23 75	
133. Brandow & Co., Rosters.....	42 15	
149. S. H. Wentworth.....	40 45	
		<hr/>
		503 02

Amount of Office Expenses.

Voucher No.		
15. Headquarters at Syracuse.....	\$16 70	
17. Month of June, 1905.....	24 06	
38. Month of July, 1905.....	36 06	
61. Month of August, 1905.....	52 14	
60. Month of September, 1905.....	27 27	
72. Month of October, 1905.....	55 11	
81. Month of November, 1905.....	37 68	
89. Month of December, 1905.....	57 45	
110. Month of January, 1906.....	48 10	
118. Month of February, 1906.....	30 88	
125. Month of March, 1906.....	37 74	
134. Month of April, 1906.....	48 88	
144. Month of May, 1906.....	33 45	
142. From June 1st to 12th, 1906.....	21 30	
		<hr/>
		526 82

*Miscellaneous Bills Paid.*Voucher
No.

34. Thos. F. Galvin, flowers for Gen. Blackmar, Commander-in-Chief	\$25 00	
36. Gavitt & Co., engrossing and printing.	37 25	
39. A. H. Clapp, letter file.	71 30	
52. H. E. Wilson, flowers for E. C. Parkinson, S. V. Commander.	10 00	
54. R. C. Reynolds, screen.	8 50	
79. Smith Premier Typewriter Co., one typewriter	92 25	
105. Albany Hospital, by order Council of Administration	57 36	
106. Anna Nichols, order Council of Administration	50 00	
123. Annesley & Co., work on large mats for portraits.	9 50	
141. Hattie F. Foran, stenographer at Chas. A. Orr Court of Inquiry, Buffalo	15 00	
150. E. B. Dickinson, reporting proceedings of Saratoga Encampment.	150 00	
		<hr/>
		\$526 16

EXPENSES OF COUNCIL MEETING.

*Albany, July 6, 1905.*Voucher
No.

19. E. C. Parkinson, S. V. D. Commander.	\$16 66
20. A. W. Green, Dept. Chaplain.	12 92
21. Wm. Taylor, Medical Director.	5 93
22. E. J. Mitchell, Asst. Q. M. Gen'l. . . .	10 70
23. Joseph B. Lord, Dept. Insp.	10 00
24. S. McAuliffe, Mustering Officer. . . .	11 16
25. Joseph Murphy, C. of A.	10 00
26. W. S. Newman, C. of A.	18 65
27. H. F. Tarbox, C. of A.	17 50
28. W. F. Mullin, salary.	20 00

174 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

EXPENSES OF COUNCIL MEETING.

Albany, August 29, 1905.

Voucher No.		
46.	E. J. Mitchell, Asst. Q. M. Gen'l.....	\$11 95
47.	Geo. W. Dewey, J. V. D. Commander.	11 25
48.	S. McAuliffe, Mustering Officer.....	11 16
49.	Joseph Murphy, C. of A.....	11 25
50.	H. F. Tarbox, C. of A.....	19 25
51.	J. B. Lord, Dept. Insp.....	11 25
		<hr/>
		\$76 11

EXPENSES OF COUNCIL MEETING.

Albany, January 23, 1906.

Voucher No.		
96.	Asher Cook, Dept. Chaplain.....	\$1 60
97.	W. S. Newman, C. of A.....	20 00
98.	Joseph Murphy, C. of A.....	10 00
99.	E. J. Mitchell, Asst. Q. M. Gen'l.....	10 60
101.	Joseph B. Lord, Dept. Insp.....	10 00
100.	S. McAuliffe, Mustering Officer.....	15 80
102.	Wm. Taylor, Medical Director.....	8 18
103.	Geo. E. Dewey, S. V. D. Commander..	10 00
104.	R. H. Fargue, C of A.....	10 00
		<hr/>
		305 81

San Francisco Relief Fund.

Voucher No.		
151.	John Tweedale, Adjutant-General.....	859 00
		<hr/>
Total disbursements.....		\$8,439 48
		<hr/> <hr/>

TRIAL BALANCE.

Total receipts	\$14,919 20
Total disbursements.....	8,439 48
	<hr/>
Balance	\$6,479 72
	<hr/> <hr/>

ASSETS OF THE DEPARTMENT, JUNE 12, 1906.

On deposit, Dime Savings Bank.....	\$2,216 93
On deposit, Albany Savings Bank.....	1,895 71
On deposit, Albany Savings Bank (Defense Fund)...	284 01
Cash balance on hand, General Fund.....	2,044 40
Value of supplies turned over.....	200 39
To the credit of this department from the State of New York as per annual supply bill.....	1,500 00
Total assets.....	\$8,141 44

DIGEST OF DISBURSEMENTS.

Paid officers' salaries.....	\$2,755 05
Paid officers on official business.....	638 92
Paid National per capita tax.....	975 54
Paid for supplies.....	553 56
Paid National Encampment expenses.....	351 45
Paid bill of former Administration (Council meeting)	234 52
Paid, printing, stationery, etc.....	503 02
Paid office expenses.....	505 52
Paid miscellaneous bills.....	526 16
Paid Council meetings (3).....	305 81
Paid San Francisco Relief Fund.....	859 00
	\$8,208 55

STATEMENT OF CONTRIBUTIONS TO STEPHENSON
MONUMENT FUND.

Post No. 2.....	\$10 00
Post No. 3.....	3 00
Post No. 5.....	10 00
Post No. 6.....	5 00
Post No. 11.....	2 00
Post No. 18.....	2 00
Post No. 19.....	5 00
Post No. 21.....	5 00
Post No. 24.....	5 00

176 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Post No. 25.....	\$2 00
Post No. 26.....	2 00
Post No. 29.....	5 00
Post No. 31.....	1 00
Post No. 33.....	5 00
Post No. 34.....	5 00
Post No. 37.....	2 00
Post No. 38.....	5 00
Post No. 44.....	10 00
Post No. 47.....	5 00
Post No. 52.....	5 00
Post No. 53.....	5 00
Post No. 59.....	2 00
Post No. 60.....	5 00
Post No. 61.....	5 00
Post No. 63.....	10 00
Post No. 65.....	2 00
Post No. 76.....	2 00
Post No. 78.....	2 50
Post No. 80.....	5 00
Post No. 93.....	2 00
Post No. 94.....	3 00
Post No. 96.....	5 00
Post No. 97.....	1 00
Post No. 100.....	5 00
Post No. 102.....	2 00
Post No. 110.....	2 00
Post No. 113.....	5 00
Post No. 121.....	10 00
Post No. 126.....	2 00
Post No. 127.....	10 00
Post No. 130.....	2 00
Post No. 135.....	5 00
Post No. 140.....	15 00
Post No. 141.....	25 00
Post No. 145.....	2 00
Post No. 152.....	2 00
Post No. 154.....	2 00
Post No. 159.....	2 50

Post No. 168.....	\$1 00
Post No. 169.....	1 00
Post No. 174.....	1 00
Post No. 177.....	1 00
Post No. 182.....	10 00
Post No. 184.....	5 00
Post No. 185.....	10 00
Post No. 190.....	2 50
Post No. 194.....	1 00
Post No. 197.....	2 00
Post No. 200.....	3 00
Post No. 203.....	5 00
Post No. 209.....	2 00
Post No. 211.....	1 00
Post No. 220.....	1 00
Post No. 226.....	5 00
Post No. 228.....	2 00
Post No. 231.....	3 00
Post No. 236.....	1 00
Post No. 247.....	2 00
Post No. 248.....	1 00
Post No. 250.....	2 00
Post No. 253.....	1 00
Post No. 254.....	5 00
Post No. 255.....	1 00
Post No. 259.....	5 00
Post No. 264.....	3 00
Post No. 266.....	5 00
Post No. 268.....	1 00
Post No. 271.....	2 00
Post No. 276.....	5 00
Post No. 277.....	1 00
Post No. 279.....	2 00
Post No. 284.....	5 00
Post No. 286.....	5 00
Post No. 289.....	2 00
Post No. 294.....	2 00
Post No. 301.....	2 00

178 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Post No. 306.....	\$1 00
Post No. 307.....	2 00
Post No. 314.....	1 00
Post No. 322.....	1 00
Post No. 327.....	10 00
Post No. 330.....	5 00
Post No. 331.....	2 00
Post No. 333.....	1 00
Post No. 335.....	1 00
Post No. 336.....	1 00
Post No. 341.....	1 00
Post No. 346.....	2 00
Post No. 347.....	1 00
Post No. 349.....	50
Post No. 358.....	1 00
Post No. 359.....	2 00
Post No. 363.....	75
Post No. 364.....	1 00
Post No. 365.....	2 00
Post No. 377.....	2 00
Post No. 385.....	1 00
Post No. 389.....	1 00
Post No. 390.....	50
Post No. 391.....	15 00
Post No. 394.....	5 00
Post No. 398.....	1 00
Post No. 405.....	1 00
Post No. 413.....	1 00
Post No. 423.....	1 00
Post No. 434.....	1 00
Post No. 438.....	1 00
Post No. 443.....	4 00
Post No. 444.....	1 00
Post No. 458.....	5 00
Post No. 461.....	1 00
Post No. 468.....	1 00
Post No. 469.....	1 00
Post No. 491.....	1 00
Post No. 498.....	2 00

Post No. 502.....	\$2 00
Post No. 507.....	1 00
Post No. 521.....	1 00
Post No. 524.....	5 00
Post No. 527.....	2 00
Post No. 528.....	1 00
Post No. 529.....	1 00
Post No. 533.....	1 00
Post No. 539.....	2 00
Post No. 542.....	2 00
Post No. 552.....	1 00
Post No. 559.....	5 00
Post No. 578.....	5 00
Post No. 591.....	1 25
Post No. 596.....	1 00
Post No. 607.....	5 00
Post No. 608.....	1 00
Post No. 616.....	1 00
Post No. 619.....	1 00
Post No. 624.....	1 00
Post No. 630.....	2 00
Post No. 641.....	2 00
Post No. 644.....	5 00
Post No. 646.....	1 50
Post No. 654.....	3 00
Post No. 656.....	2 00
Post No. 659.....	2 00
Post No. 671.....	5 00
Allan C. Bakewell.....	100 00
James D. Bell.....	50 00
C. H. Freeman.....	25 00
Helen I. Parker.....	5 00
D. S. Binnings.....	5 00
Post No. 393.....	2 00

\$677 00

STATEMENT OF CONTRIBUTIONS TO THE SAN FRANCISCO RELIEF FUND.

Post No. 1.....	\$10 00
Post No. 6.....	10 00
Post No. 7.....	5 00
Post No. 10.....	20 00
Post No. 26.....	5 00
Post No. 29.....	15 00
Post No. 30.....	10 00
Post No. 31.....	5 00
Post No. 33.....	10 00
Post No. 36.....	5 00
Post No. 44.....	25 00
Post No. 45.....	26 00
Post No. 46.....	5 00
Post No. 51.....	10 00
Post No. 52.....	5 00
Post No. 53.....	10 00
Post No. 57.....	5 00
Post No. 58.....	5 00
Post No. 60.....	25 00
Post No. 63.....	25 00
Post No. 65.....	5 00
Post No. 74.....	10 00
Post No. 76.....	10 00
Post No. 77.....	8 00
Post No. 80.....	10 00
Post No. 82.....	5 00
Post No. 87.....	5 00
Post No. 90.....	10 00
Post No. 92.....	25 00
Post No. 93.....	5 00
Post No. 94.....	5 00
Post No. 98.....	10 00
Post No. 100.....	20 00
Post No. 106.....	5 00
Post No. 128.....	5 00
Post No. 141.....	5 00

Post No. 147.....	\$15 00
Post No. 151.....	50 00
Post No. 152.....	10 00
Post No. 154.....	5 00
Post No. 162.....	5 00
Post No. 185.....	25 00
Post No. 202.....	3 50
Post No. 203.....	5 00
Post No. 211.....	4 50
Post No. 219.....	5 00
Post No. 236.....	5 00
Post No. 239.....	10 00
Post No. 246.....	2 00
Post No. 247.....	3 00
Post No. 251.....	10 00
Post No. 254.....	10 00
Post No. 264.....	15 00
Post No. 270.....	5 00
Post No. 271.....	5 00
Post No. 283.....	5 00
Post No. 284.....	10 00
Post No. 286.....	10 00
Post No. 293.....	5 00
Post No. 294.....	1 00
Post No. 295.....	5 00
Post No. 301.....	5 00
Post No. 307.....	10 00
Post No. 330.....	50 00
Post No. 335.....	5 00
Post No. 338.....	10 00
Post No. 346.....	10 00
Post No. 353.....	10 00
Post No. 362.....	25 00
Post No. 365.....	25 00
Post No. 368.....	10 00
Post No. 392.....	5 00
Post No. 398.....	2 00
Post No. 400.....	5 00

182 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Post No. 409.....	\$10 00
Post No. 418.....	2 00
Post No. 434.....	5 00
Post No. 458.....	10 00
Post No. 471.....	5 00
Post No. 506.....	5 00
Post No. 527.....	13 00
Post No. 528.....	5 00
Post No. 533.....	2 00
Post No. 557.....	10 00
Post No. 570.....	5 00
Post No. 582.....	2 00
Post No. 591.....	1 00
Post No. 598.....	5 00
Post No. 600.....	10 00
Post No. 609.....	5 00
Post No. 630.....	10 00
Post No. 659.....	5 00
P. C. Fisher.....	2 00
D. W. Eddy.....	1 00
J. K. Prosser.....	1 00
	<hr/>
	\$894 00
	<hr/>

The Committee to whom this report was referred, subsequently reported orally thereon through Comrade George E. Dewey, the Chairman of the Committee.

Comrade George E. Dewey, Post No. 135.—The Committee appointed to examine the report of the Assistant Quartermaster-General, would say that we have examined the report and find the office of the Assistant Quartermaster-General in excellent condition. The matter of bookkeeping is all right; the manner of making reports is that which has prevailed for many years. The feature of a simple recapitulation is a good one and the Committee feel that it should be done. We recommend the adoption of the report.

The report was thereupon adopted.

The Committee appointed by the Department Commander to examine the accounts of the Assistant Quartermaster-General reported through Comrade W. S. Newman, Post 226, as follows:

Comrade Newman.—Your Committee has examined the books and accounts of the Assistant Quartermaster-General and also the vouchers and we find them correct. We would like to recommend to this Encampment as we have recommended to the Council of Administration, a little change in the bookkeeping. We find that in keeping accounts of expenditures, that is, the expenses additional to the salary of the Assistant Quartermaster-General, instead of being recapitulated at the end of the year they are spread along through the months; and it becomes impossible to know just what expenditures were for the year without taking your pencil and figuring up what they were for each month. We think that a recapitulation at the end of the year should state in gross the expenditures in addition to the salary. That would make it much more convenient for the comrades on reading the proceedings of Encampment; total amount received and on what account received.

We find that in turning over the accounts and books to his successor instead of turning over so much cash and so much surplus of supplies on hand, it is stated in gross cash. All his supplies are referred to as cash, when in fact they are not. We think that the books should show the amount of cash turned over and also the amount of supplies turned over separately; because supplies are not cash, and supplies deteriorate in value. For instance, stationery and books on hand and a good many other things become worn out and useless, antiquated and cannot be considered as a valuable asset. This is not fair to the incoming Quartermaster-General, and we think that supplies should not be treated as cash, but should be treated separately. It is for you to say whether any change should be made. We find that this method of keeping the books has been in vogue for many years. We find the accounts correct; everything was correct, accounts and books. We are only criticising the method in which they have been kept in the past and recommend this change.

The report of this Committee was adopted.

Report of Medical Director.

CANASTOTA, N. Y., *June 12, 1906.*

SPENCER W. SNYDER, *Assistant Adjutant-General, G. A. R. Department of New York, Albany, N. Y.:*

Dear Comrade.—I have the honor to transmit my official report as Medical Director of this Department, for the year ending December 31, 1905.

The number of reports received are somewhat larger than usual, 394 out of 614 reporting to the Assistant Adjutant-General of the Department.

Many of the Posts that issue considerable sums of money to deserving soldiers and sailors, and their dependent families, do not report the same, for the reason the cash comes from the County Superintendent of the Poor, through requisition of the Quartermaster of the Post, when the Post has complied with the State law governing in such cases.

Many of the Post Surgeons reports are models of neatness, and some, unfortunately, are difficult to decipher.

Respectfully submitted in F. C. and L.,
WILLIAM TAYLOR,
Medical Director.

OFFICE OF THE MEDICAL DIRECTOR,

DEPARTMENT OF NEW YORK, G. A. R.,

May 31, 1906.

Comrade.—I have the honor to submit the following report, as Medical Director of this Department, for the year ending December 31, 1905:

Number of reports received from post surgeons, commanders or adjutants.....	394
Number of deaths during year.....	704
Number who presumably died of wounds received in the service.	40



**WILLIAM TAYLOR, M. D.,
Medical Director.**

Number who presumably died of disease contracted in the service	240
Number who presumably died from other causes.....	424
Number of ex-soldiers, sailors or marines treated free of charge.	291
The reasonable money value of such service.....	\$2,301 80
Number of patients treated free of charge who were members of the families of ex-soldiers, sailors or marines.	300
The reasonable money value of such service.....	\$2,202 75
Money value of medicines and surgical appliances furnished by physicians, Posts or Relief Corps, or by other organizations or comrades.....	508 25
<hr/>	
Total money value of above-mentioned service and supplies.	\$5,012 80
<hr/>	
Number of deserving sick or maimed not receiving pensions.	13

The following are names and locations of the State or National Soldiers and Sailors Homes for the care of ex-Union soldiers and sailors in this Department, including those for the orphan children of deceased soldiers and sailors: Soldiers and Sailors Home, Bath; Woman's Relief Corps Home, Oxford.

Number of inmates in each home—Bath Home, 2,055; Oxford, 193.

The above Homes are supported by—Bath Home, by State; Oxford, by State, and Woman's Relief Corps.

Number of ex-soldiers or sailors in almshouses.....	3
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Respectfully submitted in F. C. and L.,
WILLIAM TAYLOR,

Medical Director.

The Committee to whom this report was referred, subsequently reported thereon as follows:

To the Department Commander:

The Committee to examine the report of the Medical Director, have performed the duty assigned, and fully approve of the de-

tailed report of Dr. Taylor, and respectfully recommend to the Encampment the adoption of the following resolution:

"Resolved, That all moneys subject to the use of Posts of the G. A. R. of this Department for the relief of sick veterans, their families, etc., be fully reported to the Medical Director annually, and that such disbursements from whatever source received show in such support."

DEWITT CRUMB, M. D.

JOHN PARSONS, M. D.

P. D. LEYS, M. D.

Committee.

The report was thereupon adopted.

Report of Department Chaplain.

MIDDLEGROVE, N. Y., June 18, 1906.

TO SPENCER W. SNYDER, *Assistant Adjutant-General, S. H. R.*:

Dear Comrade.—I have the honor to submit, through you, to the Department Commander, and to the Fortieth State Encampment, my report as Department Champlain, from the time I assumed the duties of the office, having been appointed to it by the Council of Administration, to fill the vacancy caused by the removal of the former Chaplain from the State. Sincerely appreciating the high honor thus conferred, I have endeavored to make this report as full as possible with the material on hand; though from the smallness of reports received, it would seem to indicate that either the former Chaplain had still unreturned reports; or, from the negligence of Posts, in making them. If from negligence, or other cause, would it not serve a good purpose if the Department Commander were instructed to notify the various Posts, in General Orders, that hereafter a Mortuary Report *must* be sent to the Department Champlain, whether any of the comrades have died or not. And the Chaplain would suggest, that in the future, on all blank forms, in the statement at the bottom of the Mortuary Reports, the words "if there is anything to report," be left off, as being misleading. The *Mortuary Reports* that have been received, came from 260 Posts; not one-half of the number in the Department. This certainly ought not so to be. All Posts should make a report one way or the other, or otherwise any such Mortuary Report of vital statistics, would be very incomplete. But, however incomplete, they teach the lesson, that the Grand Army of the Republic is fast passing away. The death of each comrade leaves a gap, never to be filled. There is no "closing up," no new recruits, no law of compensation; there are no resources, from which our decimated ranks may be supplied. The mortuary list of comrades mustered out during the year is fearfully large, as gathered from

the reports received of the various Posts; total 807, and if all the Posts had reported and the same ratio maintained, the list would, probably, have been larger than in any previous year.

In relation to *Memorial Sabbath and Memorial Day services*, as reported by the Post Chaplains, I would state that I have received 240 reports, which leaves 353 that have not reported of the 623 Posts in the Department. In consequence of this delinquency, and inexcusable, it would seem, I am not prepared to make a full report. I suppose that they have had no time to report, for it is only a short time since Memorial Day. I am reminded of a short story. A gentleman ordered a horse and carriage from a livery; and, in due time, it was brought to his door. He started on his ride, and after using the stub of a whip freely, and pushing and jerking on the reins, he finally reached home again. And on returning it to its owner he said he had only one request to make; and that was, when he died, as he thought that he was liable to do some day, that they would not put that horse before the hearse, for fear that they would not get around with his body before the Resurrection. You may make your own application of the story. It seems to me that ten minutes work, required, might just as well be done *forthwith*, after Memorial Day, as to wait until the report of the Chaplain has been made. *Judging from the information we have, Memorial Sabbath and Memorial Day services were quite generally observed, and the Order met a hearty co-operation of pulpit and press, and good citizens everywhere.* And, the only regret upon the part of the comrades was, that Memorial Day, as expressed in the report of the Chaplains, was greatly desecrated by the indifference of the people as to ball games, horse racing and other sports, and thereby fail either to recognize its solemnity or significance, perverting the tender associations of the day from the original intentions of its founders. And the comrades recommend that either the day be changed to the last Sabbath in May, or "*that a law be passed prohibiting all public amusements on Memorial Day, as being the Nation's Sabbath.*" It seems to me that so long as the observance of the day is kept, in all its genuineness and purity, not given up to frivolity and amusement, it will impart to all a true sense of the obligations resting upon us; reaping what the living and the dead have



REV. ASHER COOK,
Department Chaplain.

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sown, we now enjoy the priceless blessings of peace and prosperity. In this connection I would state I regret much that there still are, *as noted in some of the reports received, many soldiers' and sailors' graves unmarked by headstones.* This ought not to be so. The State provides for the expense of burial and of headstones, where needed, and it seems to me that it only requires that Posts, through their proper officers, wipe out the shame.

This year has been memorable in that many choice spirits have gone from us whose presence, in our National Encampment, cheered our hearts while their voices charmed our ears, but to-day we fail to greet them. No more will we behold the flashing eye, the genial smile and hearty grasp of the hand of Past Commander-in-Chief, General John Palmer, who ever was true, loyal and faithful to the best interests of our organization; and also Past Department Commander Major Joseph P. Cleary, true, tried, respected and beloved by all who knew him; and a host of other excellent comrades, like them, whose names appear in our Mortuary Report, many of whom were with us at our last Encampment. They are gone from us, not to return; and, how great our loss, let the sorrow of our hearts and the records of this Encampment show. Thus one by one our comrades are being mustered out. They are but our advanced guard. Their hour of duty done, their labors accomplished, they have crossed the "Mystic River" to encamp on those green and happy plains of Immortality, where is the eternal reward of those who know their duty and do it. Daily is the number of their survivors decreasing. Another and another veteran *marches* to join those who have gone before. Let us cherish their memories; let us honor their graves; and persistent, in duty and right, let us endeavor to look forward to the rest and general *reveille*, when we and our comrades shall appear to await the solemn inspection of our Supreme Commander-in-Chief. And now with grateful thanks to the Encampment for the honor of serving as Department Chaplain for the short time I have served, and to the Department Commander and members of his staff for all courtesies extended to me in my official capacity, I remain,

Yours in F. C. and L.,

ASHER COOK,

Department Chaplain.

MORTUARY TABLE FOR 1905.

NAMES.	Company and regiment.	Rank.	Date of muster in G. A. R.	No. Post and address.	Date of death.
Ackerman, David.....	Co. G, 2d N. J.....	Private.....	June 5, 1905	2 Buffalo.....	Dec. 8, 1905
Alder, G. Fred.....	Co. I, 7th N. Y. H. Art.....	Private.....	Jan. 21, 1886	138, Hudson.....	Dec. 29, 1905
Anderson, H. M. S.....	Co. G, 56th N. Y. Vols.....	Private.....	July 4, 1903	191, Ellenville.....	June 3, 1905
Andrus, Charles H.....	176th N. Y. Vols.....	Sergeant.....	Mar. 27, 1867	20, Poughkeepsie.....	Aug. 13, 1905
Angel, James R.....	3d N. Y. L. Art.....	Major.....	Nov. 10, 1891	45, Auburn.....	Aug. 4, 1905
Angar, Allen S.....	U. S. Navy.....	A. A. Paymaster.....	April 26, 1888	103, New York City.....	Dec. 16, 1905
Archer, Samuel.....	Co. I, 5th.....	Second Lieutenant.....	Oct. 9, 1896	192, New York City.....	Feb. 15, 1905
Arnold, E. V.....	Co. D, 91st.....	Private.....	Aug. 25, 1893	292, Vineyard.....	May 26, 1905
Arshurger, John B.....	Co. E, 25th.....	Private.....	May —, 1883	5, Albany.....	July 12, 1905
Ash, Alfred W.....	Co. H, 193d.....	Private.....	May —, 1886	39, Prospect.....	May 10, 1905
Atchison, Thomas D.....	Co. G, 37th N. Y. Vols.....	Private.....	Mar. 6, 1891	8, New York City.....	Mar. 14, 1905
Atwater, Benjamin F.....	Co. C, 58th Illinois.....	Second Lieutenant.....	Apr. 24, 1890	386, Hamlet.....	July 15, 1905
Austin, Oscar P.....	Co. D, 122d N. Y. Inf.....	Private.....	June 27, 1892	151, Syracuse.....	May 7, 1905
Ayres, Augustus S.....	Co. I, 26th Mass.....	Corporal.....	Jan. 21, 1889	307, New York City.....	June 28, 1905
Ayres, Henry.....	Co. C, 131st N. Y. Vols.....	Private.....	June 3, 1905	67, New York City.....	Nov. 6, 1905
Baden, Adolph H.....	Co. D, 7th N. Y. Vols.....	Private.....	Sept. 3, 1895	557, New York City.....	Mar. 19, 1905
Bailey, John A.....	Co. G, 14th N. Y. Art.....	Private.....	May 23, 1888	486, Dresden.....	Mar. 16, 1905
Bailey, Martin.....	Co. H, 15th N. Y. Vols.....	Private.....	May 6, 1888	416, Millport.....	May 14, 1905
Baker, Robert A.....	Co. M, 4th Mass Cav.....	Private.....	May 23, 1892	215, Tappan.....	July 25, 1905
Baker, Joseph.....	Co. G, 7th N. Y. H. Art.....	Private.....	June 22, 1888	145, Phoenix.....	Mar. 23, 1905
Ballou, Sylvester.....	Co. K, 60th.....	Private.....	Nov. 6, 1893	192, New York City.....	Mar. 9, 1905
Bapp, Henry.....	Co. B, 103d N. Y. Vols.....	Sergeant.....	Nov. 6, 1893	248, Bath.....	June 7, 1905
Barber, Edgar P.....	Co. D, 3d L. Art.....	Private.....	Sept. —, 1885	140, New York City.....	Jan. 10, 1905
Barber, W. H.....	Co. L, 9th R. I. Vols.....	Private.....	Aug. 18, 1871	2, Buffalo.....	July 23, 1905
Barker, George T.....	Co. A, 61st Mass.....	Captain.....	Aug. 18, 1871	145, Phoenix.....	Feb. 24, 1905
Barnes, James.....	27th Ind Bat.....	Private.....	Jan. 5, 1905	559, New York City.....	May 19, 1905
Barnett, Abraham.....	Co. F, 149th N. Y. Inf.....	Private.....	June 11, 1880	151, Syracuse.....	July 8, 1905
Barrager, John.....	148th.....	Sergeant.....	July 18, 1880	160, Cozenovia.....	Dec. 12, 1905
Bass, Edgar C.....	Co. F, 17th N. Y.....	Surgeon.....	Aug. 18, 1880	179, Hamfstraw.....	Apr. 15, 1905
Baun, Isaac D.....	Co. E, 134th N. Y. Inf.....	Second Lieutenant.....	Oct. 10, 1887	30, Hinghamton.....	Sept. 6, 1905
Becker, William M.....	Co. E, 61st N. Y. Inf.....	Private.....	Aug. 1, 1903	45, Auburn.....	Dec. 20, 1905
Beckwith, Elias W.....	Co. G, 80th N. Y. Inf.....	Private.....	Jan. 25, 1883	67, New York City.....	Oct. 20, 1905
Berra, David J.....	3d N. Y. L. Art.....	Private.....	Oct. 10, 1887	182, New York City.....	June 9, 1905
Bell, Thomas J.....	U. S. Navy.....	Sailor.....	Oct. 10, 1887	80, New York City.....	Jan. 31, 1905
Bellmer, John.....	Co. H, 1st Conn. Vols.....	Private.....	Aug. 1, 1903	90, Schenectady.....	June —, 1905
Belting, Henry.....	Co. B, N. H. Art.....	Private.....	Jan. 25, 1874		
Bernard, Murtha.....	Co. E, 1st Conn. Vols.....	Private.....	Oct. 10, 1887		
Berry, Alonzo.....	Co. K, 56th N. Y. Inf.....	Private.....			

Berry, Dallas	Co. G, 7th N. Y. Inf.	Private	Jan. 27, 1905	389, Panama	Dec. 28, 1905
Beiger, Theodore	Co. K, 4th Wia. Cav.	Private	July 7, 1876	32, New York City	Jan. 4, 1905
Billingham, Chauncey F.	Co. H, 11th N. Y. Inf.	Private	Dec. 23, 1895	99, Newark	Aug. 16, 1905
Blake, George S.	Co. G, 147th N. Y. Inf.	Private	May 15, 1888	587, Sandy Hill	Aug. 6, 1905
Blinn, Peter	Co. A, 150th N. Y. Inf.	Private	Nov. 18, 1883	20, Poughkeepsie	April 5, 1905
Bloomington, Lyman S.	Co. K, 1st Kansas	Sergeant	May 28, 1888	140, New York City	Oct. 12, 1905
Bly, Augustus	U. S. Navy	Ord. Seaman	Feb. 28, 1883	330, Brooklyn	Nov. 12, 1905
Boise, John	Co. B, 57th N. Y. Inf.	Private	Oct. 1, 1904	227, Clinton	Sept. 14, 1905
Boland, John	U. S. Navy	Coal Passer	Sept. 1, 1889	516, New York City	April 14, 1905
Bonney, William N.	Co. K, 107th N. Y. Inf.	First Sergeant	Aug. 11, 1881	226, Hornellsville	Aug. 15, 1905
Bocock, Charles L.	Co. K, 6th U. S. Inf.	Private	Dec. 26, 1878	92, Saratoga Springs	Mar. 1, 1905
Booth, Harrison	Co. L, 24th N. Y. M. R.	Private	Feb. 22, 1885	392, Genesee	Oct. 7, 1905
Borden, George	Co. C, 41st	Private	July 12, 1901	81, Bath	Nov. 7, 1905
Borah, Frederick	Co. F, 8th N. Y. Inf.	Private	April 23, 1894	435, Brooklyn	Dec. 8, 1905
Borah, James V.	Co. H, 3d O. R. C.	Private	Aug. 12, 1885	544, Hempstead	Nov. 8, 1905
Bredon, Clark	Co. I, 8th N. Y. S. M.	Private	Feb. 24, 1885	552, New York City	Nov. 20, 1905
Brady, Michael	U. S. Navy	Seaman	July 3, 1894	644, Albany	Dec. 30, 1905
Braun, Martin	4th N. Y. Cav.	First Lieutenant	May 1, 1893	268, Cape Vincent	Sept. 2, 1905
Brevort, James	Co. H, 150th N. Y. Inf.	Private	April 1, 1903	617, Millerton	Sept. 2, 1905
Brewer, Cornelius	Co. G, 7th N. Y. Cav.	Private	Dec. 12, 1895	151, Syracuse	July 4, 1905
Briggs, Jacob H.	Co. I, 10th N. Y. Inf.	Captain	Feb. 6, 1895	93, Penn Yan	May 25, 1905
Briggs, Nathan	Co. K, 3d N. Y. Inf.	Private	May 18, 1873	61, Morris	Mar. 17, 1905
Brink, Abner D.	Co. K, 77th N. Y. Inf.	Private	Oct. 11, 1867	43, Cohoes	June 29, 1905
Brink, F. H.	Co. H, 207th Pa. Inf.	Private	Aug. 6, 1888	6, Elmira	June 6, 1905
Brink, George M.	Co. I, 20th N. Y. St. M.	Private	Sept. 15, 1892	127, Kingston	Feb. 18, 1905
Brink, Nelson	324 N. Y. Battery	Private	April 16, 1905	138, Hudson	Aug. 5, 1905
Britton, Edward	Co. D, 15th Conn. Inf.	Private	Sept. 15, 1892	127, Kingston	Aug. 5, 1905
Brooks, William H.	Co. L, 6th N. Y. Cav.	Private	April 16, 1905	276, Corning	Aug. 19, 1905
Brown, Charles	Co. N, Y. Art.	Private	Feb. 12, 1881	124, Unadilla	Nov. 20, 1905
Brown, George	Co. E, 150th N. Y. Inf.	Private	Sept. 3, 1892	647, Prattburg	Sept. 10, 1905
Brown, George	Co. D, 65th N. Y. Inf.	Private	Jan. 30, 1883	661, Pawling	Sept. 10, 1905
Brown, Joseph	Co. B, 98th N. Y. Vols	Private	Mar. 15, 1895	327, Brooklyn	July 31, 1905
Brown, L. D.	Co. K, 34th N. Y. Inf.	Private	May 1, 1872	239, Buffalo	Mar. 29, 1905
Brown, Sanford D.	Co. G, 50th N. Y. Engs	Corporal	July 1, 1891	110, Ilion	Jan. 16, 1905
Bryant, Levi D.	Co. G, 154th N. Y. Vols	Private	May 13, 1881	647, Prattburg	June 14, 1905
Buckley, George	Co. U, S. Inf.	Sergeant	May 36, 1896	232, Ellicottville	Sept. 5, 1905
Buehler, Andrew	6th U. S. Inf.	First Lieutenant	Oct. 8, 1894	247, Bolivar	Nov. 27, 1905
Bulls, James M.	Co. D, 109th N. Y. Vols	Sergeant	Dec. 8, 1894	408, New York City	Mar. 10, 1905
Buntz, Frederick	Co. E, 9th Franklin's Zouaves	Private	Dec. 7, 1872	30, Binghamton	April 4, 1905
Burns, Edward	Co. L, 9th Franklin's Zouaves	Private	Mar. 21, 1889	327, New York City	Oct. 22, 1905
Burns, Frederick	Co. M, 124th N. Y. Cav.	Private	May 22, 1894	24, New York City	July 22, 1905
Burns, Samuel	Co. K, 11th N. Y. Vols	Corporal	May 19, 1894	458, Brooklyn	Mar. 4, 1905
Burr, James F.	Co. R, 115th N. Y. Vols	Sergeant	July 1, 1891	289, Broadalbin	May 26, 1905
Bush, George	U. S. Navy	Landman	May 14, 1903	516, New York City	Nov. 18, 1905
Burton, M. I.	Co. D, 20th N. Y. Cav.	Private	Sept. 4, 1896	609, Brooklyn	Dec. 19, 1905
Butler, James H.	Co. F, 32d N. Y. Vols	Captain	Sept. 5, 1879	410, Clayton	May 21, 1905
Byers, Henry	Co. C, 6th N. Y. Cav.	Private	Dec. 11, 1897	102, Moriah Center	June 17, 1905

MORTUARY TABLE—(Continued).

NAMES.	Company and regiment.	Rank.	Date of muster in G. A. R.	No. Post and address.	Date of death.
Byrne, Bernard	Co. K, 33d N. Y. Inf.	First Lieutenant	Aug. 16, 1869	78, Seneca Falls.	Dec. 21, 1905
Campbell, John	Co. F, 11th N. Y. Vols.	Sergeant	May 22, 1894	458, Brooklyn.	Oct. 22, 1905
Carey, George	Co. D, 9th Conn. Inf.	Private	April 21, 1902	248, Bath.	Feb. 21, 1905
Carley, Jefferson	Co. A, 1st N. Y. Engs.	Private	June 30, 1883	124, Unadilla.	Mar. 1, 1905
Carmony, Patrick	M. H. U. S. N.	Private	Jan. 1, 1883	45, Auburn.	Aug. 21, 1905
Carpenter, W. W.	Co. K, 124th N. Y. Vols.	Sergeant	May 23, 1890	301, Middletown.	July 20, 1905
Carroll, Charles	Co. F, 65th N. Y. Vols.	First Lieutenant	June 10, 1884	327, Brooklyn.	Jan. 28, 1905
Carroll, John J.	Co. I, 20th N. Y. Cav.	Captain	Mar. 24, 1901	40, Oxford.	Jan. 25, 1905
Carson, George P.	Co. B, 120th N. Y. Vols.	Private	April 7, 1881	191, Ellenville.	Sept. 20, 1905
Casler, Chester N.	U. S. Navy	Asst. Paymaster	Dec. 18, 1880	197, Brooklyn.	July 7, 1905
Casler, Robert	U. S. Navy	Landman	Mar. 6, 1890	9, Buffalo.	Aug. 26, 1905
Cass, Abram	Co. E, 121st N. Y. Vols.	Private	Jan. 30, 1900	33, Amsterdam.	Sept. 19, 1905
Chambers, Theodore M.	Co. D, 39th N. Y. Vols.	Private	Jan. 4, 1893	354, Ogdensburg.	Oct. 31, 1905
Chappel, Abel M.	Co. H, 75th N. Y. Inf.	Sergeant	June 30, 1885	45, Auburn.	July 8, 1905
Charles, Henry	Co. F, 12th N. Y. Inf.	Private	—	194, Canisteo.	Sept. 3, 1905
Charleston, Charles	Co. E, 43d U. S. C. Y.	Private	—	255, New York City.	Feb. 23, 1905
Chase, Charles	Co. H, 127th N. Y. Inf.	Private	—	301, Binghamton.	Dec. 25, 1905
Chase, Neuel	Co. B, 101st N. Y. Inf.	Private	Oct. 15, 1897	61, Morris.	July 17, 1905
Cheevers, George W.	Co. I, 140th N. Y. Vols.	Captain	Feb. 4, 1898	455, Rochester.	Mar. 20, 1905
Choate, John	Co. H, 75th N. Y. Inf.	Private	April 2, 1885	141, Troy.	Sept. 21, 1905
Clark, Charles D.	Co. K, 12th N. Y. Vols.	Private	Nov. 8, 1894	1310, Leon.	July 4, 1905
Clark, E. W.	Co. H, 64th N. Y. Vols.	Landman	April 4, 1905	286, Brooklyn.	Jan. 23, 1905
Clark, Francis	U. S. Navy	Musican	Aug. 7, 1903	2, Buffalo.	July 21, 1905
Clark, Henry H.	Co. A, 20th N. Y. Vols.	Private	April 13, 1881	167, Norwood.	Mar. 2, 1905
Clark, Henry J.	Co. A, 91st N. Y. Art.	Private	—	237, Rosburgh.	Nov. 28, 1905
Clark, Hiram	4th B. 34th Vet. Vols.	Captain	—	17, Gloversville.	April 1, 1905
Clark, Irving D.	Co. D, Vet. Reserves.	Private	Mar. 12, 1891	44, New York City.	Jan. 27, 1905
Clark, William D.	16th C. N. Y. L. Art.	Sergeant	Feb. 22, 1877	76, Lockport.	Aug. 31, 1905
Clark, William F.	Co. C, 16th N. Y. Vols.	Private	May 18, 1878	102, Moriah.	Dec. 26, 1905
Cleats, John M.	196th Ohio	Lieutenant-Colonel	April 30, 1903	103, New York City.	Feb. 22, 1905
Coe, Eben S.	Co. I, 12th N. Y. Vols.	Private	Dec. 1, 1902	559, New York City.	May 25, 1905
Cole, Francis M.	2d N. Y. Battery	Private	June 7, 1887	27, Fulton.	April 18, 1905
Cole, William H.	Co. K, 14th N. Y. Inf.	Private	Aug. 18, 1892	138, Hudson.	Nov. 23, 1905
Collister, Elijah	Co. B, 8th N. Y. Cav.	Private	Mar. 1, 1897	409, Rochester.	Jan. 31, 1905
Collmer, John M.	83d N. Y. Vols.	Corporal	June 14, 1896	437, Utica.	June 12, 1905
Condon, Patrick J.	Co. G, 188th N. Y. Vols.	Brevet Major	April 18, 1888	203, New York City.	Jan. 6, 1905
Conklin, Percival A.	Co. C, 12th N. Y. S. M.	Private	Dec. 1, 1880	74, Naples.	Jan. 6, 1905
Coulin, Peter		Private		130, New York City.	Oct. 23, 1905

Cook, Rufus.	Co. D, 139th Pa. Vols.	Private.	May 28, 1904	351, Troupsburg.	May 4, 1905
Coon, Gilbert B.	Co. F, 27th N. Y. Vols.	Private.	May 5, 1897	247, Bolivar.	Aug. 25, 1905
Cooper, Daniel.	Co. F, 1st N. Y. I. Art.	Private.	Feb. 17, 1893	159, Fair Haven.	July 10, 1905
Coresy, Andrew H.	Co. H, 36th N. Y. Inf.	Musician.	Dec. 21, 1905	557, New York City.	Feb. 23, 1905
Coresy, Nelson W.	Co. A, 13th N. Y. Art.	Private.	Feb. 7, 1894	381, Watertown.	Oct. 26, 1905
Corsine, Benjamin.	Co. K, 20th U. S. Cav.	Private.	Nov. 17, 1883	191, Ellenville.	Aug. 21, 1905
Corsen, Charles.	Co. A, 129th N. Y. Inf.	Private.	May 14, 1891	443, Brooklyn.	Nov. 21, 1905
Conley, Isaac D.	Co. I, 33d N. Y. Inf.	Private.	Dec. 13, 1883	325, Ovid.	Nov. 26, 1905
Courtin, Patrick.	Co. A, 121st N. Y. Inf.	Private.	June 27, 1890	834, Buffalo.	Mar. 28, 1905
Covenhoven, Cornelius.	U. S. Navy.	Seaman.	Dec. 3, 1904	97, Buffalo.	Mar. 9, 1905
Cowles, Noah W.	Co. L, 10th N. Y. Cav.	Private.	July 15, 1891	98, Cortland.	Oct. 16, 1905
Cox, James J.	Co. E, 50th N. Y. Vols.	Captain.	Mar. 14, 1890	301, Middletown.	April 6, 1905
Cox, James J.	Co. E, 95th Pa. Vols.	Private.	Jan. 1, 1886	140, New York City.	May 20, 1905
Crossman, George W.	Co. E, 20th N. Y. Vols.	Private.	Mar. 9, 1892	48, Mattewan.	May 30, 1905
Cunningham, T. W.	Co. K, 13th N. Y. Cav.	Private.	June 4, 1898	404, Albany.	May 21, 1905
Curetton, Caspar A.	Co. K, 44th N. Y. Vols.	Lieutenant.	Dec. 31, 1898	648, New York City.	Jan. 20, 1905
Curtan, James.	Co. C, 11th N. Y. Vols.	Private.	May 23, 1894	458, New York City.	Oct. 26, 1905
Curtis, Cornelius.	Co. I, 136th N. Y. Vols.	Corporal.	Sept. 13, 1891	518, Springwater.	Oct. 2, 1905
Dailey, Elias.	Co. B, 160th N. Y. Vols.	Private.	July 16, 1880	7, Clifton Springs.	Aug. 12, 1905
Dana, Francis.	Co. E, 5th N. Y. Vols.	Private.	Nov. 16, 1883	283, L. I. City.	Jan. 16, 1905
Danforth, H. M.	Co. C, 106th N. Y. Vols.	Lieutenant.	Nov. 26, 1883	354, Ogdensburg.	Apr. 12, 1905
Danforth, Joseph A.	Co. C, 14th N. Y. Vols.	Private.	July 20, 1887	482, Camden.	Apr. 12, 1905
Dashman, Nelson.	Co. A, 50th N. Y. Engineers.	Artificer.	Oct. 14, 1892	59, Owego.	July 22, 1905
Datz, Henry.	Co. L, 1st N. Y. Vol. Engineers.	Private.	July 20, 1904	459, Morrisville.	Aug. 24, 1905
Daub, John.	Co. H, 96th N. Y. Inf.	Private.	April 6, 1900	6, Elmira.	Dec. 27, 1905
David, Nicholas.	U. S. Navy.	Seaman.	Feb. 6, 1888	327, Brooklyn.	Aug. 11, 1905
Daniel, John.	U. S. Navy.	Master of Arms.	May 16, 1874	45, Auburn.	July 2, 1905
Dean, James.	Co. B, 12th N. Y. Inf.	Corporal.	April 6, 1890	182, Yonkers.	May 3, 1905
Dean, George H.	U. S. Navy.	Landman.	May 2, 1895	60, New York City.	Nov. 10, 1905
Dean, William.	Co. I, 1st N. Y. Inf. Rifles.	Captain.	May 22, 1895	458, New York City.	Apr. 23, 1905
DeBasson, John.	Co. D, 11th N. Y. Vols.	Drummer.	Aug. 21, 1893	248, Bath.	Nov. 29, 1905
DeVillars, Joseph.	Co. C, U. S. Navy.	Private.	Nov. 25, 1897	92, Saratoga Springs.	Nov. 25, 1905
Devevey, Edward J.	Co. F, 83d N. Y. Inf.	Steward.	Nov. 25, 1897	121, Albany.	Sept. 25, 1905
DeGraff, John P.	Co. K, H. Art.	Corporal.	April 26, 1898	349, Lockport.	Oct. 1, 1905
Delaney, James.	Co. K, 150th N. Y. Vols.	Private.	July 1, 1898	617, Millerton.	Mar. 3, 1905
Denning, David P.	Co. F, 17th N. Y. Inf.	Private.	April 1, 1894	94, Seneca.	Dec. 16, 1905
Denny, John P.	Co. C, 6th Ohio Inf.	Private.	Mar. 6, 1883	2, Buffalo.	Dec. 22, 1905
Dermoddy, Daniel F.	U. S. Navy.	Landman.	Sept. 29, 1894	80, New York City.	Oct. 29, 1905
Differbacher, F. W.	Co. G, 136th N. Y. Inf.	Private.	Nov. 22, 1883	321, Rochester.	June 7, 1905
Dignies, Norwood H.	Co. F, 81st N. Y. Inf.	Private.	July 24, 1883	21, Livingston.	Sept. 25, 1905
Dixon, John J.	Co. K, 6th Mass.	Private.	Aug. 9, 1887	34, Troy.	May 19, 1905
Dobbins, John R.	Co. B, 116th N. Y. Inf.	Second Lieutenant.	Dec. 13, 1883	9, Buffalo.	Dec. 1, 1905
Dooley, Jasper.	Co. A, N. Y. H. Art.	Private.	Aug. 9, 1887	548, Morrisville.	Oct. 22, 1905
Dodge, William.	Co. A, N. Y. H. Art.	Assistant surgeon.	Dec. 29, 1890	144, Ossining.	Jan. 28, 1905
Doughty, John H.	Co. B, 82d N. Y. Inf.	Private.	Sept. 20, 1894	48, Mattewan.	Feb. 15, 1905
Dosenburg, Adam H.	Co. C, 1st N. Y. H. Art.	Private.	Aug. 19, 1892	57, Fonda.	Aug. 15, 1905

MORTUARY TABLE—(Continued).

NAMES.	Company and regiment.	Rank.	Date of muster in G. A. R.	No. Post and address.	Date of death.
Downey, Andrew W.	Co. C, 148th	Musician	Mar. 28, 1876	56, Lee Center	Oct. 28, 1905
Dredley, David P.	Co. C, 148th N. Y. Inf.	Sergeant	Mar. 28, 1882	44, New York City	Dec. 17, 1905
Drake, Edward	Co. I, 12th N. Y. Inf.	Captain	April 2, 1880	151, Syracuse	Oct. 25, 1905
Drew, William	Co. G, 98th N. Y. Inf.	Musician	Sept. 14, 1878	421, W. Indrop	May 10, 1905
Dugan, George A.	Co. D, 173d N. Y. Vols.	Captain	April 31, 1883	Brooklyn	Sept. 25, 1905
Dunn, John	Co. E, 13th N. Y. Vols.	Private	April 6, 1870	6, Bath	Sept. 7, 1905
Dunn, Jerome	Co. H, 102d N. Y. Inf.	Private	May 8, 1897	58, Bath	July 20, 1905
Dye, Lester	16th N. Y. Inf.	Private	June 17, 1881	65, Oswego	July 28, 1905
Eaton, Sylvester P.	Co. A, 5th N. Y. Vols.	Musician	June 17, 1885	117, Coeymans	Jan. 5, 1905
Eberhardt, Gustavus	Co. H, 39th N. Y. Vols.	Private	Feb. 6, 1874	32, New York City	Jan. 5, 1905
Eden, John	Co. K, 12th Mo. Cav.	Private	Feb. 18, 1889	97, New York City	Nov. 23, 1905
Edgar, Lewis S.	Co. A, 12th N. Y. Vols.	Private	June 27, 1882	44, New York City	Dec. 7, 1905
Egan, John	Co. L, 14th N. Y. H. Art.	Private	June 9, 1885	392, Deneseo	Dec. 7, 1905
Elliot, Harvey H.	Co. H, 180th N. Y. Vols.	Private	Jan. 8, 1886	424, Plessis	Mar. 26, 1905
Elliot, Nelson H.	Co. M, 24 N. Y. H. Art.	Private	Dec. 28, 1893	451, Syracuse	Mar. 9, 1905
Elliot, William	Co. H, 18th N. Y. Cav.	Private	Aug. 13, 1878	124, Plessis	Feb. 12, 1905
Ellis, James M.	Co. M, 6th H. Art.	Private	Nov. 7, 1875	119, Oneonta	July 12, 1905
Ellsworth, John E.	Co. E, 100th N. Y. Vols.	Private	Nov. 7, 1875	9, Buffalo	Dec. 30, 1905
Elmore, George B.	Co. G, 8th N. Y. Vols.	Private	Feb. 17, 1903	19, New York City	Feb. 17, 1905
Elting, Joakim	Co. E, 10th N. Y. S. M.	Private	Nov. 21, 1885	111, Alaska	Sept. 30, 1905
Emmons, W. W.	Co. E, 10th N. Y. H. Art.	Private	Sept. 21, 1883	398, Akron	Dec. 17, 1905
Enos, Alfred	Co. C, 116th N. Y. Vols.	Private	April 13, 1883	151, Syracuse	Dec. 16, 1905
Erreger, Charles J.	Co. D, 5th N. Y. Cav.	Private	Feb. 28, 1884	140, New York City	Aug. 6, 1905
Evans, Lorenzo D.	Co. A, 162 N. Y. S. M.	Sergeant	Sept. 28, 1885	534, Brooklyn	July 28, 1905
Fairhurst, Alfred	Co. A, 2nd N. Y. Cav.	Private	May 10, 1893	630, Waterford	Mar. 3, 1905
Falconer, Alexander	Co. A, 2nd N. Y. Cav.	Private	Jan. 10, 1891	360, Sacketts Harbor	Sept. 20, 1905
Falconer, William	Co. C, 2nd N. Y. Cav.	Private	Dec. 9, 1887	438, Interlaken	Aug. 21, 1905
Falson, Abram	Co. E, 3d N. Y. Art.	Private	June 15, 1884	160, Hermon	April 13, 1905
Fanning, Vanish	Co. D, 4th N. Y. H. Art.	Private	Jan. 17, 1882	125, Sanborn	Feb. 2, 1905
Farley, John	Co. D, 4th N. Y. H. Art.	Private	June 15, 1884	288, Pittsford	Sept. 29, 1905
Farran, George W.	Co. E, 3d N. Y. Art.	Private	Jan. 17, 1882	51, Canajoharie	Aug. 6, 1905
Farell, Earl	Co. E, 3d N. Y. Art.	Private	May 12, 1896	127, Kingston	Nov. 19, 1905
Fassett, Edwin H.	Co. E, 3d N. Y. Art.	Private	Sept. 12, 1905	400, New York City	Dec. 12, 1905
Ferber, Conrad	Co. E, 3d N. Y. Art.	Private	April 14, 1886	81, Bath	Dec. 12, 1905
Ferris, Isaac H.	Co. E, 3d N. Y. Art.	Private	Sept. 20, 1904	587, Sandy Hill	June 17, 1905
Ferston, Jacob	Co. E, 3d N. Y. Art.	Private	Nov. 11, 1867	351, Troughburgh	June 17, 1905
Finch, Philander	Co. G, 5th N. Y. Vols.	Private	Mar.	24, New York City	Nov. 27, 1905
Finley, Benjamin F.	Co. U. S. N., Wabash	Landman	Mar.	46, Ballston Spa	July 26, 1905

Firth William H.	Co. H, 47th N. Y. Vols.	Private.	April 1, 1884	33, Amsterdam.	May 12, 1905
Fisher, John.	Co. L, 1st N. Y. L. H.	Private.	May 26, 1899	1, Rochester.	May 22, 1905
Fitch, Arthur S.	Co. B, 107th N. Y. Vols.	First Lieutenant.	June 11, 1868	6, Elmira.	Mar. 3, 1905
Fitch, James H. A.	Co. E, 22d N. Y. Vols.	Private.	Sept. 18, 1889	256, New York City.	Jan. 28, 1905
Fitts, Nelson A.	Co. B, 138th N. Y. Vols.	Private.	Jan. 23, 1884	391, Rochester.	June 17, 1905
Fitzgerald, James.	Co. C, 159th N. Y. Vols.	Private.	Jan. 21, 1886	138, Hudson.	Mar. 23, 1905
Fitzgerald, Maurice.	U. S. Navy.	Landman.	Oct. 20, 1904	43, Cohoes.	May 31, 1905
Fix, John.	Co. B, 18th N. Y. Inf.	Private.	Aug. 20, 1891	5, Albany.	Mar. 9, 1905
Flanagan, James.	Co. I, 124th N. Y. Inf.	Private.	Oct. 6, 1895	48, Matteawan.	Aug. 26, 1905
Fletcher, Matthew.	18th N. Y. Battery.	Private.	Nov. 4, 1879	125, Sanborn.	Mar. 7, 1905
Foot, Lewis R.	Co. C, 61st N. Y. Inf.	Private.	Nov. 4, 1893	327, Brooklyn.	Dec. 19, 1905
Forbes, William A.	Co. C, 30th N. Y. Vols.	Private.	Aug. 16, 1891	182, New York City.	June 15, 1905
Forsyth, Newman.	Co. H, 76th Pa. Vols.	Private.	April 11, 1892	162, New York City.	Mar. 25, 1905
Foy, Jacob.	Co. A, 44th N. Y. Inf.	Captain.	Aug. 13, 1869	7, Buffalo.	Sept. 29, 1905
Francis, Jerry.	Co. E, 3d N. Y. Art.	Private.	Jan. 17, 1891	21, Buffalo.	Feb. 18, 1905
Frank, John J.	Co. H, 41st N. Y. Vols.	Private.	Aug. 5, 1896	32, New York City.	June 6, 1905
Freehan, Nicholas.	Co. E, 159th N. Y. Inf.	Sergeant.	Dec. 21, 1884	138, Hudson.	April 20, 1905
Freeman, J. W.	Co. K, U. S. C. T.	Private.	May 1, 1884	175, Port Byron.	Feb. 19, 1905
Freedman, Joseph.	Co. C, 76th N. Y. Inf.	Private.	June 6, 1887	41, Ithaca.	April 26, 1905
Fraser, Milton W.	Co. B, 7th N. Y. Inf.	Private.	Oct. 5, 1883	119, Oneonta.	April 9, 1905
Frye, Moses M.	Co. D, 19th H. Art.	First Lieutenant.	July 8, 1868	403, Fredonia.	Mar. 14, 1905
Furness, William.	Co. F, 11th N. Y. Cav.	Private.	July 1, 1902	45, Auburn.	Dec. 15, 1905
Galusha, Richard.	Co. A, 123d N. Y. Vols.	Private.	Jan. 1, 1900	354, Ottawa.	July 30, 1905
Galentius, J. S.	Co. D, 130th N. Y. Vols.	Private.	Jan. 8, 1884	33, Amsterdam.	Sept. 19, 1905
Garvey, Richard.	Co. C, 49th N. Y. Inf.	Private.	Aug. 6, 1880	369, Homeoye Falls.	Dec. 5, 1905
Gascoigne, Alfred.	18th N. Y. Battery.	Corporal.	Dec. 13, 1887	151, Syracuse.	Mar. 19, 1905
Gassor, Ambrose.	Co. B, 120th N. Y. Inf.	Private.	May 13, 1886	127, Kingston.	Feb. 14, 1905
Gates, Abel, Jr.	Co. I, 188th N. Y. Inf.	Private.	Jan. 16, 1888	296, Canaseraga.	Mar. 28, 1905
Gates, Vincent R.	Co. A, 10th N. Y. Art.	Sergeant.	Dec. 30, 1904	2, Buffalo.	June 3, 1905
Gentilehomme, Theodore.	Co. L, N. Y. L. Art.	Private.	Dec. 30, 1879	138, Hudson.	Dec. 24, 1905
George, Stephen S.	Co. E, 140th N. Y. Inf.	Musican.	April 16, 1880	32, New York.	May 30, 1905
German, Peter.	Band, 1st N. Y. Cav.	Musican.	May 6, 1887	314, Wayland.	Jan. 4, 1905
Gessner, Peter.	Co. I, 110th N. Y. Vols.	Private.	Sept. 18, 1891	65, Oswego.	Sept. 21, 1905
Giblin, Robert.	Co. E, 22d Conn. Vols.	Private.	Jan. 3, 1883	327, Brooklyn.	Nov. 1, 1905
Gleason, R. B.	Co. B, 12th N. Y. Cav.	Corporal.	Jan. 9, 1886	271, Fulton.	June 7, 1905
Gleason, Edward.	Co. I, 131st N. Y. Vols.	Private.	May 23, 1883	42, New York City.	July 3, 1905
Goddins, Thomas.	Co. E, 58th Pa. Vols.	Private.	Sept. 27, 1884	226, Hornellsville.	June 17, 1905
Goodwin, Aaron A.	Co. A, 52d N. Y. Vols.	Private.	Sept. 14, 1884	154, Syracuse.	Aug. 24, 1905
Goodwin, Alonso D.	Co. H, 2d Cav.	Private.	Oct. 1, 1886	43, Rochester.	Nov. 5, 1905
Gonya, Elias.	Co. B, 108th N. Y. Vols.	Private.	May 28, 1884	1, Rochester.	Mar. 9, 1905
Gosnell, Daniel.	Co. A, 37th N. Y. Vols.	Lieutenant.	Jan. 30, 1883	499, Brooklyn.	Sept. 12, 1905
Goss, Martin.	Co. C, 3d N. Y. Cav.	Private.	Jan. 6, 1895	200, Lowville.	June 24, 1905
Gould, Smith T.	Co. D, 1st N. Y. L. Art.	Private.	May 12, 1887	151, Syracuse.	Feb. 8, 1905
Goulding, George E.	Co. B, 65th N. Y. Vols.	Private.	July 10, 1900	Buffalo, 542.	April 29, 1905
Graff, Philip.	Co. C, 10th N. Y. Inf.	Private.	Jan. 20, 1888	482, Camden.	Feb. 3, 1905
Graves, Abel S.	Co. H, 15th N. Y. Cav.	First Lieutenant.	Oct. 1, 1888	140, New York City.	May 21, 1905
Greene, Augustus P.	Co. C, 49th N. Y. Vols.	First Lieutenant.	July 9, 1900	543, S. Mills.	Dec. 12, 1905
Greene, Gilbert J.					

MORTUARY TABLE—(Continued).

NAMES.	Company and regiment.	Rank.	Date of muster in G. A. R.	No. Post and address.	Date of death.
Greene, H. D.....	Co. F, 188th N. Y. Vols.....	First Lieutenant	Nov. 14, 1891	241, Friendship.....	Mar. 22, 1905
Greenman, Peter N.....	Co. A, 3d N. Y. L. Art.....	First Lieutenant	Mar. 16, 1880	45, Auburn.....	Nov. 12, 1904
Gregory, Stephen H.....	Co. D, 39th N. Y. Vols.....	First Lieutenant	June 7, 1887	354, Ottawa.....	Nov. 12, 1905
Gretz, Mathias.....	Co. C, 1st N. Y. L. Art.....		April 17, 1876	330, New York City.....	Oct. 30, 1903
Griffith, Charles A.....	Co. I, 102d N. Y. Inf.....	Sergeant	July 5, 1903	188, New York City.....	Dec. 13, 1903
Griffith, John C.....	Co. E, 1st N. Y. Cav.....	Sergeant	Sept. 30, 1881	9, Buffalo.....	Mar. 23, 1903
Guick, A. P.....	Co. I, 4th N. Y. H. A.....	Sergeant	Sept. 30, 1875	120, Kational.....	Nov. 2, 1903
Hagg, Joseph F.....	100th regiment.....	Private	Aug. 4, 1882	2, Buffalo.....	Sept. 17, 1903
Hadley, Wallace.....	Co. G, 141st N. Y. Vols.....	Private	Aug. 24, 1884	222, Jersey.....	June 11, 1903
Hagen, Fred.....	Co. F, 55th N. Y. Vols.....	Private	Feb. 3, 1875	13, New York City.....	Mar. 4, 1903
Haley, Amos.....	Co. D, 22d N. Y. Cav.....	Private	Nov. 21, 1883	45, Auburn.....	Nov. 12, 1903
Hall, Charles L.....	Co. B, 19th Mass Inf.....	Private	Dec. 1, 1883	16, Elmira.....	July 17, 1903
Hall, Dennis C.....	Co. L, 123d N. Y. Inf.....	Private		204, Hookack Falls.....	Jan. 4, 1903
Hall, Thomas.....	Co. K, 79th N. Y. Inf.....	Private		11, Brooklyn.....	Mar. 4, 1903
Halliday, William.....	Co. E, 184th N. Y. Inf.....	Private	June 21, 1898	230, Buffalo.....	Mar. 14, 1905
Halpin, James.....	Co. I, 7th N. Y. H. A.....	Private	April 26, 1875	43, Utica.....	Aug. 9, 1905
Hamp, Edgar Sebastian.....	Co. E, 6th N. Y. H. A.....	Private	Feb. 1, 1884	378, Fort Chester.....	Sept. 4, 1905
Hamberger, Frederick C.....	Co. F, 115th N. Y. Vols.....	Private	May 28, 1870	92, Saratoga Springs.....	Sept. 12, 1905
Hamilton, Frederick C.....	Co. A, 104th N. Y. Vols.....	Private	Feb. 2, 1881	107, Utica.....	May 30, 1905
Hamilton, William D.....	Co. C, 72d N. Y. Vols.....	Private	Oct. 5, 1902	107, Brooklyn.....	Feb. 25, 1905
Hamner, William A.....	Co. F, 12th N. Y. Vols.....	Private	Aug. 8, 1894	280, Brooklyn.....	Jan. 14, 1905
Harmon.....	33d N. Y. L. Art.....	First Lieutenant	Sept. 25, 1882	104, Canisteo.....	May 10, 1905
Harrington, Jeremiah.....	Co. D, 76th N. Y. Inf.....	Private	Dec. 22, 1882	310, Leon.....	May 18, 1905
Harrington, D. W.....	Co. A, 180th N. Y. Inf.....	Private	June 15, 1883	301, Rochester.....	Jan. 17, 1905
Hart, James.....	Co. A, 49th N. Y. Inf.....	Private	June 21, 1893	8, Buffalo.....	Nov. 20, 1905
Hartman, George.....	Co. C, 198th N. Y. Inf.....	Private	Feb. 10, 1904	138, Hudson.....	Sept. 16, 1905
Hartman, Frederick.....	Co. C, 19th N. Y. Cav.....	Private	Jan. 1, 1890	2, Buffalo.....	Jan. 13, 1905
Haskins, Eldred.....	Co. C, 60th N. Y. Inf.....	Private	Sept. 16, 1880	841, Perpetent.....	Feb. 8, 1905
Hawkins, Wesley.....	Co. C, 17th N. Y. Inf.....	Private	July 8, 1882	230, Buffalo.....	Sept. 13, 1905
Hawthorn, Ira D.....	Co. A, 25th N. Y. Inf.....	Corporal	Aug. 8, 1890	33, Utica.....	June 20, 1905
Hay, Gilbert.....	Co. A, 20th N. Y. Inf.....	Private	Nov. 27, 1886	102, Moriah.....	Feb. 26, 1905
Haydon, Christian.....	Co. B, 22d N. Y. Vols.....	Corporal	Sept. 17, 1869	9, Buffalo.....	Oct. 24, 1905
Hayes, N. R.....	Co. D, 74th N. Y. S. M.....	Sergeant	May 10, 1894	6, Albany.....	Feb. 22, 1905
Hedger, Charles L.....	U. S. Navy.....	Seaman.....	Oct. 10, 1876	9, Buffalo.....	June 2, 1905
Hedgerman, Stephen.....	Co. G, 187th N. Y. Inf.....	Sergeant.....			Sept. 25, 1905
Hefnold, John G.....	Co. E, 2d N. Y. Vols.....	First Sergeant.....	May 4, 1883	327, Brooklyn.....	Jan. 20, 1905

Hentsman, Simon.....	Co. B, 21st N. Y. Inf.....	Sergeant.....	Nov. 18, 1897	127 Kingston.....	May 28, 1905
Henguer, William.....	Co. E, 13th N. Y. Inf.....	Private.....	Mar. 13, 1900	9 Buffalo.....	Dec. 3, 1905
Henson, Henry.....	Co. D, 9th N. Y. H. A.....	Private.....	Feb. 6, 1892	350 Union.....	April 19, 1905
Hertzel, George.....	Co. M, 12th N. Y. Cav.....	Private.....	Sept. 7, 1894	99 Newark.....	Nov. 27, 1905
Herrnans, Charles L.....	Co. K, 1st N. Y. M. R.....	Bugler.....	Aug. 28, 1893	2 Buffalo.....	May 22, 1905
Herrick, E. C.....	Co. H, 14th N. Y. Inf.....	Private.....	Jan. 21, 1895	307 New York City.....	April 18, 1905
Hess, Christian.....	U. S. Navy.....	Seaman.....	May 21, 1873	119 Oneonta.....	June 12, 1905
Hewlett, Algenon C.....	Co. A, 17th N. Y. S. M.....	Private.....	Oct. 2, 1890	10 Brooklyn.....	Jan. 25, 1905
Hewlett, Junius H.....	U. S. Navy.....	Seaman.....	Mar. —, 1890	365 New York City.....	Nov. 5, 1905
Hiltebeck, Samuel R.....	Co. G, 75th N. Y. Vols.....	Private.....	June 10, 1870	175 Port Byron.....	Sept. 17, 1905
Hixon, John.....	Co. D, 149th N. Y. Vols.....	Private.....	Mar. 17, 1883	66 Syracuse.....	July 29, 1905
Hodge, O. O.....	Co. H, 109th N. Y. Vols.....	Private.....	Mar. 17, 1883	350 Union.....	Aug. 5, 1905
Hodgeson, William B.....	Co. D, 12th N. Y. Vols.....	Private.....	Sept. 20, 1904	119 Oneonta.....	Feb. 5, 1905
Holan, Thomas.....	Co. B, 10th N. Y. Inf.....	Private.....	Sept. 20, 1892	588 Natural Bridge.....	Sept. 17, 1905
Hollins, Charles H.....	Co. D, 14th N. Y. Art.....	Private.....	Feb. —, 1891	424 Plessis.....	Nov. 27, 1905
Holmes, John.....	Co. K, 3d N. Y. Art.....	Private.....	May 9, 1883	175 Port Byron.....	Apr. 7, 1905
Holton, William C.....	Co. G, 16th N. Y. H. A.....	Corporal.....	April 14, 1886	587 Sandy Hill.....	Aug. 2, 1905
Honsler, Lucas.....	7th U. S. Vols.....	Brevet Major.....	June 26, 1898	182 New York City.....	Sept. 2, 1905
Hoole, John.....	5th N. Y. Vols.....	Private.....	July 19, 1885	62 New York City.....	Nov. 21, 1905
Hopkins, H. M.....	U. S. Navy.....	Seaman.....	Feb. 19, 1885	10 Brooklyn.....	Aug. 5, 1905
Hopner, William.....	Co. F, 50th N. Y. Engs.....	Sergeant.....	June 4, 1879	91 Medina.....	Oct. 5, 1905
Horton, James G.....	90th N. Y. Vols.....	Hospital Steward.....	July 5, 1893	99 Newark.....	May 10, 1905
Hottel, Benjamin.....	Co. D, 11th N. Y. Vols.....	Private.....	Jan. 8, 1900	383 Long Island City.....	Feb. 25, 1905
Howard, Jeremiah L.....	Co. H, 21st N. Y. Cav.....	Private.....	Jan. 26, 1887	518 Spring Water.....	May 1, 1905
Howard, Thomas.....	U. S. Navy.....	Seaman.....	April 21, 1905	30 Binghamton.....	May 18, 1905
Hulse, George D.....	Co. C, 14th N. Y. Vols.....	Private.....	April 12, 1892	123 Newfield.....	April 21, 1905
Hurlbut, Daniel B.....	U. S. Navy.....	Second Asst Eng.....	May 26, 1892	443 Brooklyn.....	Mar. 26, 1905
Hutchinson, Amos.....	Co. K, 23d N. Y. Cav.....	Private.....	May 26, 1889	372 Addison.....	Mar. 9, 1905
Hutchinson, John C.....	Co. C, 12th N. Y. S. M.....	Private.....	June 22, 1882	21 Livingston.....	Mar. 12, 1905
Joy, Alexander.....	Co. H, 149th N. Y. Inf.....	Private.....	.....	145 Pleasantville.....	Mar. 9, 1905
Joy, Alexander.....	21st N. Y. Vols.....	Musician.....	May 11, 1897	542 Buffalo.....	Nov. 27, 1905
Inalls, Charles.....	Co. D, 179th N. Y. Vols.....	Private.....	May 17, 1896	232 Ellicott Mills.....	Nov. 30, 1905
Izen, George B.....	Co. C, 132d N. Y. Vols.....	Private.....	Nov. 23, 1891	307 New York City.....	Dec. 14, 1905
Jackson, Robert.....	Co. H, 133d N. Y. Inf.....	Private.....	.....	583 Jan. City.....	April 8, 1905
Jacobs, Adam.....	Co. D, 6th N. Y. S. M.....	Sergeant.....	Jan. 15, 1869	32 New York City.....	Oct. 8, 1905
Jack, Charles F.....	Co. F, 24th Comm. Vols.....	Private.....	June 7, 1872	32 New York City.....	June 24, 1905
Jacks, Benjamin R.....	Co. B, 114th N. Y. Vols.....	Private.....	July 21, 1880	576 Fairville.....	Mar. 24, 1905
Jenkins, James H.....	Co. E, 18th N. Y. Vols.....	Captain.....	Oct. 14, 1892	170 Mt. Vernon.....	Aug. 15, 1905
Johnson, Nelson.....	Co. F, 9th N. Y. H. A.....	Private.....	July 27, 1894	659 Morrisville.....	Nov. 17, 1905
Jones, Francis M.....	Co. E, 5th N. Y. Vols.....	Private.....	April 3, 1879	92 Rochester.....	Sept. 17, 1905
Jones, George.....	Co. F, 17th N. Y. S. M.....	Sergeant.....	July 6, 1881	N. York City.....	Jan. 26, 1905
Jones, Henry E.....	Co. F, 2d Pa. Cav.....	Second Lieutenant.....	May 23, 1878	6 Elura.....	May 20, 1905
Joy, Albert B.....	Co. D, 13th N. Y. Cav.....	Private.....	May 3, 1884	135 Brooklyn.....	Mar. 23, 1905
Jura, Augustus.....	Co. G, 147th N. Y. Inf.....	Private.....	Jan. 14, 1887	197 Brooklyn.....	Dec. 13, 1905
				65 Oswego.....	Nov. 1, 1905

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MORTUARY TABLE—(Continued).

NAMES.	Company and regiment.	Rank.	Date of muster in G. A. R.	No. Post and address.	Date of death.
Kane, John.	Co. F, 153d Ill. Vols.	Private	June 11, 1888	560, Elmhurst.	Jan. 31, 1905
Kammerer, Edward.	Co. D, 23d Ohio Vols.	First Sergeant	Feb. 18, 1887	110, Ilion.	Oct. 1, 1905
Kasson, James F.	Co. D, 179th N. Y. Inf.	Private	Aug. 28, 1885	515, Watkins.	May 21, 1905
Kaufman, William B.	Co. C, 6th N. Y. Vols.	Captain	Mar. 10, 1887	443, Brooklyn.	Feb. 21, 1905
Keating, Edward J.	Co. G, 25th N. Y. Vols.	Private	May 10, 1894	5, Albany.	July 12, 1905
Keetenburg, John.	Co. A, 1st N. Y. Vols.	Private	Sept. 21, 1883	32, New York City	Feb. 21, 1905
Keller, David J.	Co. F, 55th N. Y. Vols.	Drummer	June 27, 1898	436, New York City	Dec. 6, 1905
Keller, Fred.	Co. F, 21st N. Y. S. M.	Private	June 20, 1894	20, Foughkeapee.	May 8, 1905
Kelley, Patrick.	Co. D, 3d N. Y. A.	Private	Jan. 1, 1876	45, Auburn.	Sept. 30, 1905
Kelley, George H.	Co. G, 26th Pa. Inf.	Private	May 19, 1887	6, Elmira.	Aug. 15, 1905
Kelley, Hugh.	Co. G, 100th N. Y. Vols.	Private	Feb. 24, 1892	567, New York City.	Mar. 1, 1905
Kelley, Patrick.	Co. D, 62d N. Y. Vols.	Private	Nov. 23, 1891	621, New York City.	Mar. 30, 1905
Kemble, David.	Co. G, 50th N. Y. Engs.	Private	Dec. 14, 1892	623, Elmira.	April 6, 1905
Kendrick, Hiland H.	Co. K, 55th Ill. Inf.	Captain	June 16, 1882	271, Fulton.	April 6, 1905
Kenny, Edward.	Co. D, 9th U. S. Inf.	Musician.	June 21, 1876	60, Yonkers.	Dec. 14, 1905
Kessler, Peter.	Co. E, 13th Mo. Cav.	Private	July 23, 1876	1, Rochester.	Jan. 21, 1905
Ketchum, Alexander P.	Co. C, 56th N. Y. Vols.	First Lieutenant.	Oct. 1, 1873	140, New York City.	Dec. 7, 1905
Ketchum, Edgar.	Signal Corps.	Second Lieutenant.	April 1, 1887	140, New York City.	April 11, 1905
Ketchum, R. A.	3d N. Y. Art.	Private	Dec. 1, 1890	391, Rochester.	Oct. 8, 1905
Kidder, John.	121st N. Y. Inf.	Colonel	July 15, 1881	61, Morris.	July 17, 1905
Kies, George.	Co. I, 111th Inf.	Private	Mar. 1, 1905	276, Corning.	Nov. 15, 1905
Kilburn, Henry F.	Co. E, 52d Mass. Inf.	Private	April 29, 1890	103, New York City.	Sept. 26, 1905
Kincaid, Charles.	Co. E, 157th N. Y. N. G.	Private	Feb. 9, 1882	59, Oswego.	June 24, 1905
Kinsella, Peter.	Co. M, 15th N. Y. Engs.	Private	Feb. 2, 1896	45, Auburn.	April 15, 1905
Kinslecker, Andrew.	Co. I, 2d N. Y. Inf.	Private	June 26, 1895	435, New York City.	Sept. 16, 1905
Kinslecker, Philip.	Co. A, 149th N. Y. Vols.	Private	June 10, 1890	96, Syracuse.	July 16, 1905
Klein, Michael.	Co. E, 43d N. Y. Vols.	Private	Dec. 17, 1903	408, New York City.	June 29, 1905
Kline, Jacob.	Co. F, 80th N. Y. A.	Private	May 15, 1894	97, Boonville.	Nov. 6, 1905
Knapp, Ezra A.	Co. F, 94th N. Y. Inf.	Private	July 26, 1890	30, Binghamton.	Aug. 25, 1905
Knapp, Isaac.	Co. G, 9th N. Y. Art.	Private	Dec. 15, 1896	175, Fort Byron.	July 11, 1905
Koesters, Lare.	Co. G, 111th N. Y. Vols.	Drummer.	Jan. 13, 1890	239, Buffalo.	Jan. 27, 1905
Kraft, John.	Co. R, 5th N. Y. S. M.	Private	Feb. 21, 1879	44, New York City.	Jan. 9, 1905
Kraft, John D.	Co. E, 7th N. Y. Inf.	Corporal.	May 7, 1890	32, New York City.	Nov. 22, 1905
Krauspiel, Christian.	Co. H, 7th N. Y. Inf.	Private	Feb. 17, 1890	32, New York City.	Feb. 11, 1905
Kreuzopf, George W.	Co. H, 7th N. Y. Inf.	Sergeant.	Feb. 17, 1890	151, Syracuse.	Jan. 15, 1905
LaBaff, Joseph.	Co. A, 15th N. Y. Cav.	Private	Sept. 27, 1892	289, Broadalbin.	Feb. 15, 1905
Lamb, Parlee.	Co. B, 91st N. Y. Vols.	Private	Sept. 9, 1894	264, Buffalo.	Feb. 124, 1905
Lenders, Joseph.	122d N. Y. Inf.	Drum Major.	April 1, 1890	6, Elmira.	Aug. 6, 1905
London, Andrew.	Co. C, 141st N. Y. Inf.	Private	April 1, 1890		

Langdon, William F.	Co. E, 28th N. Y. Vols.	Private.	May 21, 1891	76, Lockport.	Nov. 26, 1905
Lange, Adolph.	Co. D, 2d Mass. Vols.	Private.	April 18, 1887	32, New York City.	June 4, 1905
Lasher, John.	Co. L, 4th N. Y. H. A.	Private.	Mar. 1, 1880	60, Yonkers.	April 6, 1905
Lasher, George E.	Co. K, 128th N. Y. Vols.	Sergeant.	May 19, 1892	138, Hudson.	June 3, 1905
Lautz, Philip M.	Co. E, 81st N. Y. Vols.	Private.	May 6, 1897	9, Buffalo.	Dec. 22, 1905
Law, Edward M.	Co. G, 5th N. Y. Vols.	Private.	Dec. 2, 1888	360, Elmhurst.	Oct. 2, 1905
Lawrence, James.	Co. H, 10th N. Y. H. Art.	Private.	Oct. 9, 1897	585, West Amboy.	Oct. 2, 1905
Layton, George.	Co. H & C, 37th H. Art.	Sergeant.	Nov. 19, 1904	327, Bolivar.	Dec. 26, 1905
Lazarus, Jacob.	Co. D, 119th N. Y. Inf.	Musician.	Aug. 29, 1869	22, New York City.	Jan. 28, 1905
Leach, Morton A.	Co. I, 1st N. Y. Cav.	Private.	Nov. 19, 1884	391, Rochester.	Aug. 4, 1905
Leffler, George W.	Co. G, 50th N. Y. Engrs.	Private.	May 1, 1900	2, Buffalo.	April 8, 1905
L'Honniedieu, E. R.	Co. L, 2d N. Y. Cav.	Drummer.	Oct. 11, 1892	286, Brooklyn.	Sept. 13, 1905
L'Travis, Robert E.	Co. F, 124th N. Y. Vols.	Private.	April 14, 1880	205, Monticello.	June 28, 1905
Le Roy, Frank.	Co. F, 81st N. Y. Inf.	Drummer.	June 16, 1882	231, Fulton.	Aug. 24, 1905
Lennen, Patrick.	Co. B, 81st N. Y. Vols.	Landman.	Mar. 22, 1876	42, New York City.	Mar. 28, 1905
Leskie, Edward A.	Co. H, 46th Ill. Vols.	Drummer.	Mar. 13, 1900	327, Brooklyn.	June 5, 1905
Leubuscher, Lewis.	Co. H, 6th N. Y. Inf.	Captain.	Jan. 10, 1883	192, New York City.	Nov. 12, 1905
Leuchford, Arthur.	Co. A, 10th N. Y. Vols.	Corporal.	Dec. 12, 1883	391, Rochester.	April 12, 1905
Levi, Isaac.	U. S. Navy	Steward.	April 18, 1885	9, Buffalo.	Oct. 28, 1905
Lewis, Isaac.	Co. C, 20th U. S. Cav.	Private.	May 30, 1887	255, New York City.	Nov. 6, 1905
Lidley, Thomas A.	Co. C, 25th N. Y. Inf.	Private.	Nov. 10, 1882	5, Albany.	Oct. 8, 1905
Lillie, Alonzo.	Co. I, 111th N. Y. Inf.	Private.	Dec. 30, 1887	155, Moravia.	Nov. 19, 1905
Litt S, Thomas H.	Co. I, 143d N. Y. Vols.	Sergeant.	Aug. 4, 1891	205, Monticello.	July 20, 1905
Locking, Charles.	Co. I, 22d Ohio Inf.	Private.	Dec. 30, 1887	2, Buffalo.	Sept. 6, 1905
Loder, Benjamin.	Co. B, 7th N. Y. S. M.	Private.	Aug. 4, 1894	140, New York City.	Feb. 12, 1905
Loder, Philip R.	Co. C, 50th N. Y. Eng.	Private.	Mar. 9, 1891	81, Bath.	Nov. 15, 1905
Lodges, Bernard G.	Co. C, Weber's Cav.	Private.	Aug. 10, 1903	435, Brooklyn.	Feb. 13, 1905
Look, Socrates.	Co. M, 1st N. Y. Eng.	Private.	Jan. 25, 1898	534, Roslyn.	Jan. 26, 1905
Lorch, Henry.	Co. A, 28th N. Y. Inf.	Private.	Dec. 6, 1903	10, Brooklyn.	Aug. 6, 1905
Lord, Abraham.	Co. A, 175th N. Y. Vols.	Private.	June 5, 1887	44, New York City.	Oct. 29, 1905
Lounsbury, James H.	Co. F, 36th Wis. Inf.	Private.	Oct. 14, 1887	30, Binghamton.	Aug. 26, 1905
Lounsbury, William.	20th N. Y. S. M.	Private.	Oct. 14, 1887	127, Kingston.	Nov. 8, 1905
Lyon, John M. C.	Co. G, 47th N. Y. Vols.	Private.	June 21, 1884	307, New York City.	Sept. 7, 1905
Lyon, Madison.	Co. I, 111th N. Y. Vols.	Private.	July 21, 1885	438, Interlaken.	June 27, 1905
Luchner, John.	Co. H, 117th N. Y. Inf.	Private.	April 4, 1883	47, Rome.	April 1, 1905
Lumb, Peter.	Co. B, 150th N. Y. Inf.	Captain.	Aug. 16, 1892	20, Poughkeepsie.	Jan. 5, 1905
Mackey, Silas G.	Co. F, 95th N. Y. Vols.	Private.	Oct. 19, 1891	179, Haverstraw.	Jan. 5, 1905
Maloney, J. D.	Co. H, 50th Eng. Vols.	Musician.	Dec. 4, 1884	371, Watervliet.	April 24, 1905
Manning, Alexander.	Co. H, 8th N. Y. Vols.	Private.	Jan. 11, 1897	24, New York City.	Nov. 16, 1905
Manning, George.	Co. D, 5th N. Y. Vols.	Private.	May 1, 1885	371, Watervliet.	Nov. 16, 1905
Marselle, Nelson C.	Co. B, 112th N. Y. Vols.	First Lieutenant.	Aug. 7, 1884	24, New York City.	Nov. 13, 1905
Marshall, Nelson C.	Co. H, 72d N. Y. Vols.	Corporal.	July 1, 1887	532, S. S. H. H.	May 27, 1905
Marshall, Nelson C.	Co. F, 25th N. Y. S. M.	Private.	July 8, 1895	307, New York City.	June 28, 1905
Martin, Alexander.	Co. L, 6th N. Y. H. Art.	Private.	Jan. 7, 1883	92, Saratoga Springs.	Jan. 21, 1905
Martin, Thomas.	Co. D, 30th N. Y. Inf.	Private.	June 25, 1904	369, Honeoye Falls.	Dec. 22, 1905
Martina, Henry.	Co. E, 1st Ill. Cav.	Private.	Feb. 2, 1888	2, Buffalo.	Nov. 10, 1905
Mark, Christopher.	Co. D, 41st N. Y. Inf.	Private.	Oct. 17, 1902	32, New York City.	Oct. 18, 1905
Merrit, Webster S.	Co. A, 18th N. Y. S. M.	Corporal.	Oct. 17, 1902	170, Mt. Vernon.	Jan. 30, 1905

MORTUARY TABLE—(Continued).

NAMES.	Company and regiment.	Rank.	Date of muster in G. A. R.	No. Post and address.	Date of death.
Messinger, M. R.	Co. C, 157th N. Y. Vols.	Private.	1885	576, Earlville.	April 28, 1905
Messner, Charles	Co. C, 2d N. Y. Inf.	Private.	July 17, 1878	10, Brooklyn.	June 14, 1905
Meyer, J. O.	U. S. Navy.	Landman.	June 21, 1872	9, Buffalo.	June 26, 1905
Millicon, Orlando F.	U. S. Vols.	Brevet Lt. Colonel.	June 30, 1887	182, New York City.	Dec. 26, 1905
Miles, John.	Co. F, 15th N. Y. Eng.	Private.	Mar. 26, 1884	301, Middletown.	July 25, 1905
Miller, Austin.	Co. C, 2d N. Y. L. Art.	Private.	July 17, 1888	175, Port Byron.	Oct. 21, 1905
Miller, B. F.	Co. G, 151st N. Y. Inf.	Captain.	July 29, 1903	109, Sodas.	Oct. 21, 1905
Miller, H. H.	Co. G, 7th Wis. Inf.	Private.	Jan. 27, 1887	542, Buffalo.	Mar. 7, 1905
Miller, John.	93d N. Y. Inf.	Private.	Sept. 6, 1889	97, Buffalo.	July 29, 1905
Miller, Lambert C.	Co. C, 1st Minn. Inf.	Private.	Feb. 17, 1888	52, Newburg.	Aug. 1, 1905
Miller, Luther W.	Co. A, 150th N. Y. Inf.	Private.	May 17, 1888	480, Penn Yan.	Mar. 24, 1905
Miller, Thomas	Co. A, 50th N. Y. Engs.	Private.	Oct. 3, 1892	6, Elmira.	Dec. 6, 1905
Miller, William B.	Co. F, 141st N. Y. Inf.	Private.	Oct. 12, 1894	670, East Syracuse.	Aug. 17, 1905
Milligan, Morris.	Co. G, 12th N. Y. Inf.	Private.	Sept. 18, 1904	248, S. S. H. H.	Dec. 3, 1905
Mills, James.	8th N. Y. Battery.	Private.	May 16, 1904	354, Ottawa.	Sept. 28, 1905
Milner, Charles T.	Co. G, 25th Maine Inf.	Private.	April 25, 1887	66, Syracuse.	Sept. 5, 1905
Mitchell, Harrison.	60th N. Y. Vols.	Private.	June 7, 1870	415, Morristown.	May 5, 1905
Mitchell, William H.	Co. B, 106th N. Y. Vols.	Private.	Jan. 19, 1872	32, New York City.	May 5, 1905
Mitzer, Augustus.	Co. H, 101st N. Y. Vols.	Private.	July 13, 1881	80, New York City.	Sept. 28, 1905
Moles, Charles.	Co. I, 25th N. Y. Cav.	Private.	Dec. 5, 1884	11, Brooklyn.	May 5, 1905
Monks, William P.	Co. E, 5th N. Y. Engs.	Private.	Jan. 12, 1902	644, Albany.	Oct. 20, 1905
Moody, Joseph.	Co. A, 121st N. Y. Inf.	Private.	April 28, 1897	81, Bath.	May 28, 1905
Moore, Augustus.	Co. A, 136th N. Y. Inf.	Private.	Oct. 21, 1897	138, Hudson.	Dec. 6, 1905
Moore, Gilbert.	Co. A, 1st N. Y. Engs.	Private.	Aug. 11, 1891	206, Brooklyn.	Jan. 6, 1905
Moore, Peter B.	Co. C, 1st N. Y. Engs.	Private.	Oct. 23, 1876	62, New York City.	Sept. 26, 1905
Morris, Ephraim.	Co. H, 13th N. Y. S. M.	Private.	April 14, 1884	435, Newark.	May 4, 1905
Morgenneck, Henry.	Co. I, 13th N. Y. H. Art.	Private.	Dec. 9, 1879	99, Newark.	Feb. 9, 1905
Moit, Theodore.	2d Mt. Rifles.	Private.	Dec. 1, 1886	140, New York City.	May 15, 1905
Moit, John O.	Co. F, 2d Mt. Rifles.	Asst. Paymaster.	April 1, 1889	248, S. S. H. H.	Aug. 11, 1905
Mueller, Gottlieb.	Co. E, 3d Ohio Inf.	Private.	April 1, 1870	330, Brooklyn.	Oct. 19, 1905
Mulligan, James	Co. D, 69th N. Y. S. M.	Private.	June 14, 1894	443, Brooklyn.	Nov. 28, 1905
Mullen, Patrick	Co. F, 14th N. Y. Inf.	Private.	May 7, 1902	191, Ellenville.	Sept. 13, 1905
Munson, Samuel	Co. E, 20th N. Y. S. M.	Sergeant.	Sept. 5, 1888	84, Rochester.	May 6, 1905
Murphy, John.	Co. B, 33d N. Y. Vols.	Private.	July 2, 1897	140, New York City.	Nov. 24, 1905
Murphy, Patrick H.	Co. H, 16th Vt. Inf.	Private.	July 2, 1897	2, Buffalo.	Aug. 24, 1905
Murrel, Christian.	Co. E, 187th N. Y. Vols.	Private.	July 2, 1897	80, New York City.	Mar. 5, 1905
Murtha, Bernard.	Co. B, N. H. Art.	Private.	July 2, 1897	80, New York City.	Jan. 31, 1905

McAnthon, H. S.	Co. B, 75th N. Y. Inf.	Sergeant.	May 21, 1880	151, Fair Haven.	May 13, 1905
McAulay, Charles.	Co. C, 25th N. Y. Inf.	Private.	May 28, 1874	5, Albany.	Mar. 10, 1905
McCabe, James.	Co. H, 93rd N. Y. Inf.	Private.	June 4, 1880	102, Moriah.	June 1, 1905
McCauley, Patrick.	Co. E, 4th N. Y. H. Art.	Private.	Sept. 4, 1880	91, Medina.	May 27, 1905
McCart, John W.	Co. F, 16th N. Y. Inf.	Private.	May 18, 1887	132, Moriah.	Dec. 25, 1905
McClure, George W.	Co. E, 108th N. Y. Inf.	Private.	April 10, 1889	134, Bath.	Apr. 6, 1905
McCormick, Thomas J.	Co. E, 11th N. Y. Cav.	Private.	Sept. 26, 1895	30, New York City.	Jan. 26, 1905
McDaniels, Daniel.	Co. A, 20th N. Y. Cav.	Private.	Sept. 26, 1895	300, Lowell.	Apr. 18, 1905
McDavett, Michael.				443, Binghamton.	Aug. 13, 1905
McDermott, William.	Co. H, 8th N. Y. S. M.	Private.	April 14, 1887	60, Conkers.	Apr. 23, 1905
McDonald, Andrew B.	Co. E, 2d N. H. Inf.	Private.	Oct. 4, 1870	152, Saunden.	Nov. 29, 1905
McDonald, Harvey	Co. F, 14th N. Y. Vols.	Private.	Aug. 26, 1894	151, Syracuse.	June 8, 1905
McDonnell, John H.	Co. F, 14th N. Y. Vols.	Lieutenant.	July 9, 1883	65, Oswego.	Aug. 4, 1905
McKinley, James.	Co. E, 83d Ohio Inf.	Private.	May 21, 1880	128, Brooklyn.	Oct. 23, 1905
McKittick, Russell.	Co. E, 83d Ohio Inf.	Private.	June 2, 1882	138, Hudson.	Apr. 28, 1905
McManany, James.	Co. K, 128th N. Y. Inf.	Private.	July 2, 1880	458, Brooklyn.	Feb. 5, 1905
McManus, James.	Co. S, N. Y. S. M.	Coal Passer.	May 22, 1894	458, Brooklyn.	Dec. 21, 1905
McMannus, Patrick.	Co. K, 71st U. S. Vols.	Private.	May 22, 1894	623, Elmira.	July 20, 1905
McMellen, Giles.	Co. D, 160th N. Y. Vols.	Private.	Dec. 19, 1903	331, Poughkeepsie.	Mar. 6, 1905
McNamee, Hiram.	Co. S, Navy, U. S. Aries	Private.	Jan. 19, 1883	42, New York City.	Oct. 24, 1905
McQuade, John.	Co. S, Navy, U. S. Aries	Fireman.	Nov. 26, 1879	140, New York City.	June 2, 1905
Nelson, Theodore.	Co. I, 2d N. Y. Cav.	Private.	Oct. —, 1899	239, Buffalo.	Nov. 9, 1905
Newton, Ira.	Co. I, 2d N. Y. Cav.	Private.	Sept. 21, 1897	155, Moravia.	Feb. 7, 1905
Nichols, David.	Co. E, 2d N. Y. Art.	Private.	May 27, 1893	124, Unadilla.	July —, 1905
Nolan, John B.	Co. S, Navy, U. S. Aries	Steward.	Sept. 12, 1889	10, Brooklyn.	May —, 1905
Nolaga, John.	Co. B, 175th N. Y. Vols.	Private.	April 5, 1889	43, New York City.	Sept. 9, 1905
Nortell, George H.	Co. S, Navy, U. S. Aries	Corporal.	April 4, 1887	39, Prospect.	Aug. 6, 1905
Norton, George B.	Co. S, Navy, U. S. Aries	Private.	May —, 1883	354, Ottawa.	May 10, 1905
Ockert, William E.	Co. L, 150th N. Y. Vols.	Seaman.	Nov. 22, 1887	20, Poughkeepsie.	Jan. —, 1905
O'Brien, J. D.	Co. L, 6th N. Y. H. Art.	Private.	Dec. 4, 1901	167, Norwood.	Oct. 11, 1905
O'Connor, John.	Co. H, 23d N. Y. Inf.	Private.	Dec. 23, 1870	6, Elmira.	Sept. 30, 1905
O'Garra, Edward.	Co. F, 1st U. S. Inf.	Private.	Nov. 7, 1887	628, Long Island City.	Jan. 20, 1905
O'Leary, John.	Co. L, 1st N. Y. L. Art.	Private.	May 2, 1900	1, Rochester.	Oct. 16, 1905
O'Neil, James.	Co. S, Navy, U. S. Aries	Private.	Dec. 28, 1882	289, Broadalbin.	July 25, 1905
Osgood, Charles.	Co. H, 10th Pa. Inf.	Seaman.	April 17, 1887	296, Randolph.	Jan. 21, 1905
Ostrander, William N.	Co. D, 188th N. Y. Vols.	Private.	Oct. 13, 1882	297, Canaseraga.	Sept. 27, 1905
Oswald, John.	Co. D, U. S. Eng. Bat.	Private.	Jan. 23, 1901	42, New York City.	Oct. 28, 1905
Paine, John.	Co. H, 42d N. Y. Vols.	Lieutenant.	Dec. 23, 1885	42, New York City.	May 28, 1905
Palmer, George E.	Co. A, 42d N. Y. Vols.	Private.	Oct. 27, 1886	132, Brooklyn.	Sept. 21, 1905
Palmer, Jordan.	Co. D, 5th Conn. Vols.	Private.	Feb. 20, 1886	531, Utica.	June 19, 1905
Parcells, Charles.	Co. E, 9th Vt. Vols.	Musician.	Nov. 22, 1900	20, Poughkeepsie.	Mar. 7, 1905
Parkinson, Edward C.	Co. B, 44th N. Y. Vols.	Sergeant.	May 26, 1878	1, Rochester.	July 31, 1905
Parrish, Jeremiah.	Co. H, 152d N. Y. Inf.	Private.	Feb. 15, 1882	26, Cooperstown.	May 28, 1905
Parrott, Christopher.	Co. D, 12th N. Y. Cav.	Private.	Feb. 15, 1882	248, Bath.	Apr. 13, 1905
Parr, Charles H.	Co. E, 54th N. Y. N. G.	Private.	Jan. 4, 1883	84, Rochester.	Oct. 27, 1905
Payson, Lewis.	Co. H, 1st Wis. Vols.	Private.	Jan. —, 1887	440, Hamburg.	Apr. 3, 1905
Payfer, George M.	Co. E, 113th N. Y. Vols.	Sergeant.	Oct. —, 1884	141, Troy.	Dec. 18, 1905
Pearce, Henry S.	150th N. Y. Inf.	Assistant Surgeon.	April 7, 1894	661, Pawling.	Dec. 30, 1905

MORTUARY TABLE—(Continued).

NAMES.	Company and regiment.	Rank.	Date of muster in G. A. R.	No. Post and address.	Date of death.
Peckens, James B.	Co. H, 14th N. Y. Art.	Private.	Aug. 8, 1897	93, Penn Yan	Oct. 1, 1905
Pense, Truman A.	Co. K, 139th N. Y. Vols.	Hosp. S.	July 3, 1890	167, Norwood	Feb. 22, 1905
Fenfield, A. R.	Co. C, 147th N. Y. Vols.	Major.	Aug. 30, 1878	65, Oswego	Sept. 4, 1905
Perkins, Lorenzo	Co. A, 1st N. Y. L. Art.	Private.	May 28, 1886	83, Norwich	Oct. 20, 1905
Peene, John C.	Co. F, 5th N. Y. Vols.	Private.	Dec. 27, 1893	60, Yonkers	Nov. 28, 1905
Peet, C. W.	Co. I, 91st N. Y. Vols.	Private.	Mar. 16, 1892	421, Winthrop	Sept. 18, 1905
Pettys, Aaron.	Co. I, 93d N. Y. Vols.	Private.	Nov. 18, 1890	92, Saratoga Springs	June 8, 1905
Phelps, Josiah L. H.	Co. G, 49th N. Y. Vols.	Private.	Nov. 9, 1883	389, Panama	June 20, 1905
Phitzer, Gottlieb.	Co. D, 15th N. Y. Vols.	Private.	Nov. 9, 1883	408, New York City	Aug. 10, 1905
Pierce, Nelson.	Co. B, 32d N. Y. M. S.	Captain.	April 15, 1886	9, Buffalo	Nov. 14, 1905
Pitkins, Chester.	Co. K, 2d N. Y. Cav.	Private.	Dec. 9, 1867	94, Seneca	Aug. 4, 1905
Platt, Thomas A.	Co. D, 47th N. Y. Vols. S. M.	Private.	Nov. 18, 1874	435, Brooklyn	June 27, 1905
Plunkett, James.	Co. D, 108th N. Y. Vols.	Sergeant.	Feb. 12, 1892	1, Rochester	May 6, 1905
Poinsett, John.	Co. H, 2d R. I. Inf.	Private.	Jan. 12, 1884	432, Clarence Center	Oct. 8, 1905
Pope, W. S.	Co. C, 15th Vt. Cav.	Private.	Mar. 6, 1889	484, Keeseville	Feb. 27, 1905
Porter, George.	Co. K, 25th N. Y. S. M.	Private.	Jan. 25, 1890	138, Hudson	Aug. 2, 1905
Posson, William H.	45th Ill. Vols.	Private.	Nov. 28, 1886	645, West Burne	Feb. 7, 1905
Post, Andrew J.	Co. B, 8th Mich. Inf.	Private.	Feb. 23, 1886	151, Syracuse	May 6, 1905
Potter, F. H.	Co. C, 2d N. Y. H. Art.	Private.	Jan. 5, 1871	145, Phoenix	May 1, 1905
Powell, Carlton F.	Co. E, 1st N. Y. L. Art.	Bugler.	Jan. 5, 1871	109, Hermon	Oct. 26, 1905
Pratt, Lorenzo N.	Co. H, 14th N. Y. Inf.	Bugler.	July 2, 1880	126, Wilson	Oct. 31, 1905
Predmore, Samuel.	Co. K, 14th N. Y. Inf.	Bugler.	Sept. 16, 1902	138, Hudson	June 18, 1905
Prescott, Joseph P.	Co. H, 9th Mich. H. Art.	Bugler.	Mar. 9, 1897	2, Buffalo	May 8, 1905
Price, Adam.	Co. D, 5th Pa. Cav.	Bugler.	Mar. 9, 1897	41, Ithaca	Oct. 10, 1905
Price, Frederick.	Co. H, 116th N. Y. Inf.	Bugler.	May 8, 1877	542, Buffalo	May 12, 1905
Purdy, Stephen C.	Co. B, 120th N. Y. Inf.	Private.	Sept. 8, 1882	44, New York City	Sept. 12, 1905
Quinn, Frederick.	Co. C, 77th N. Y. Inf.	Private.	Dec. 23, 1899	289, Broadalbin	April 4, 1905
Quinn, George.	Co. F, 69th N. Y. Vols.	Private.	Dec. 23, 1899	24, New York City	Jan. 4, 1905
Ralph, Reuben W.	Co. C, 97th N. Y. Vols.	Private.	Dec. 28, 1885	200, Lowville	June 30, 1905
Ralph, Seneca.	Co. E, 129th N. Y. Vols.	Private.	Nov. 3, 1897	94, Seneca	Dec. 30, 1905
Ralston, Edward.	Co. J, 129th N. Y. Vols.	Private.	Aug. 13, 1904	94, Poughkeepsie	June 17, 1905
Ralston, William.	Co. K, 33d N. Y. Inf.	Private.	Jun. 37, 1882	151, Syracuse	Oct. 25, 1905
Roy, Peter S.	Co. K, 18th N. Y. Inf.	Lieutenant Colonel.	May 14, 1899	2, Buffalo	Mar. 8, 1905
Reddington, J. C. O.	Co. K, 100th N. Y. Inf.	Private.	Aug. 4, 1905	537, New York City	April 10, 1905
Redhaw, Francis.	8th N. Y. H. Art.	Private.	Oct. 12, 1895	66, Syracuse	July 6, 1905
Rees, D. P.	Co. H, 176th N. Y. Vols.	Private.	April 7, 1892	197, Brooklyn	Feb. 13, 1905
Reid, Alexander J.	Co. K, 44th N. Y. Vols.	Private.	Sept. 29, 1894	391, Rochester	July 24, 1905
Reynolds, Jonathan.	Co. G, 108th N. Y. Vols.	Private.			

Rice, John.....	Co. A, 23d N. Y. Vols.	Private.	Nov. —, 1898	647, Plattsburg.....	July 5, 1905
Rich, Erskine.....	Co. F, 39th N. Y. Vols.	Captain	May 1, 1887	499, Broadbain.....	July 8, 1905
Richardson, Marcus A.	Co. I, 10th N. Y. Cav.	Private	Sept. 27, 1882	289, Broadbain.....	July 8, 1905
Ridley, Thomas.....	Co. F, 6th R. I. H. Art.	Private	Mar. 28, 1888	597, Phelps.....	Sept. 26, 1905
Rimbach, Daniel.....	30th N. Y. Bat. L. Art.	Private	May 7, 1885	597, Phelps.....	May 6, 1905
Roberts, James.....	Co. G, 3d N. Y. Cav.	Private	June 26, 1871	119, Oneonta.....	Sept. 10, 1905
Roberts, John.....	Co. E, 67th N. Y. Inf.	Private	Jan. 11, 1894	435, Brooklyn.....	June 15, 1905
Robertson, John C.	Co. F, 146th N. Y. Vols.	Private	Aug. 16, 1880	389, Brooklyn.....	May 4, 1905
Robson, Isaac.....	Co. F, 112th N. Y. Vols.	Private	July 13, 1883	389, Brooklyn.....	June 11, 1905
Rodman, Thomas.....	Co. C, 124th N. Y. Vols.	Corporal	Mar. 5, 1885	543, Washington.....	Oct. 21, 1905
Rogers, John B.....	Co. H, 91st N. Y. Vols.	Private	Feb. 25, 1895	151, Syracuse.....	April 26, 1905
Rolla, Eli.....	Co. I, 141st N. Y. Vols.	Private	Nov. 13, 1902	376, De Ruyter.....	Oct. 21, 1905
Rose, William D.....	Co. D, 11th N. Y. Cav.	Private	Jan. 16, 1896	151, Syracuse.....	April 26, 1905
Root, Charles.....	Co. G, 158th N. Y. Inf.	Private	Jan. 17, 1903	138, Hudson.....	April 7, 1905
Rowe, H. D.....	Co. E, 114th N. Y. Inf.	Private	Jan. 16, 1903	138, Hudson.....	Jan. 25, 1905
Russ, John Scott.....	U. S. Navy	Ensign	May 4, 1875	12, Africa.....	Dec. —, 1905
Ruth, Dudley L.....	Co. I, 21st N. Y. Inf.	Paymaster	Jan. 30, 1883	294, Hoosac Falls.....	Mar. 12, 1905
Sabine, Edward.....	Co. C, 2d N. Y. M. Rifles	Private	Dec. 21, 1892	327, Brooklyn.....	Mar. 3, 1905
Saunders, Myrtus A.	Co. A, 1st N. Y. L. Art.	Private	June 1, 1882	126, Troy.....	Nov. 27, 1905
Satterlee, Daniel.....	Co. A, 1st Prov.	Sergeant	Sept. 5, 1885	471, Troy.....	Sept. 1, 1905
Sandy, J. K.....	22d N. Y. Cav.	Private	Feb. 17, 1887	1, Rochester.....	Aug. 1, 1905
Saxe, George W.....	Co. C, 3d N. Y. Cav.	Private	Aug. 2, 1878	608, Manlius.....	Mar. 10, 1905
Saxton, William W.....	Co. B, 102d N. Y. Vols.	Captain	Nov. 14, 1890	576, Earlville.....	Nov. 16, 1905
Saxton, Andrew.....	Co. C, 5th N. Y. Vols.	Corporal	June 2, 1891	32, New York City.....	Mar. 8, 1905
Schmitt, Hans.....	Co. D, 7th N. Y. S. M.	Sergeant	May 28, 1884	14, Catskill.....	May 28, 1905
Scheuerman, Jacob.....	Co. E, 25th N. Y. Cav.	Private	May 28, 1884	627, Newark.....	June 6, 1905
Schmerhorn, E. N.....	Co. F, 17th N. Y. S. M.	Q. M. S.	May 15, 1880	435, Brooklyn.....	Oct. 26, 1905
Schilling, Theodore.....	Co. C, 134th N. Y. Vols.	Private	Dec. 16, 1880	128, Brooklyn.....	Nov. 28, 1905
Schilling, Thome.....	18th N. Y. Vols.	Private	Dec. 15, 1886	170, Mt. Vernon.....	July 18, 1905
Schmidt, George.....	Co. K, 65th N. Y. N. G.	Private	Jan. 19, 1897	491, Fort Edward.....	July 24, 1905
Schlag, Peter.....	Co. U, 3d N. Y. Cav.	Musican	Mar. 13, 1881	90, Schoenectady.....	Nov. 21, 1905
Schurman, Gustavus H.	Co. H, 21st N. Y. Inf.	Private	May 14, 1870	239, Buffalo.....	Mar. 14, 1905
Schwartz, William H.	Co. F, 21st N. Y. Inf.	Sergeant	May 12, 1882	452, New York City.....	Aug. 13, 1905
Schwartz, Jacob.....	Co. E, 72d N. Y. N. G.	Drummer	April 28, 1892	32, New York City.....	Aug. 25, 1905
Scott, D. H.....	Co. B, 146th N. Y. N. G.	Private	June 10, 1870	9, Haverstraw.....	Nov. 18, 1905
Scott, Albert.....	Co. F, 35th N. Y. S.	Private	May 27, 1882	578, New York City.....	July 12, 1905
Seaman, H. H.....	Co. F, 8th N. Y. Cav.	Private	Dec. 22, 1883	128, New York City.....	May 16, 1905
Seaman, Isaac A.	48th N. Y. Vols.	Musican	Dec. 22, 1883	360, Black River.....	Aug. 2, 1905
Sears, Cuyden B.	Co. K, 16th N. Y. Vols.	Captain	Jan. 22, 1879	400, Black River.....	Mar. 25, 1905
Selbitt, Gustavus.....	Co. D, 2d N. Y. Vols.	Captain	Feb. 14, 1880	418, Millport.....	Sept. —, 1905
Selbitt, William.....	Co. A, 33d N. Y. Inf.	Captain	Nov. —, 1885	74, Naples.....	May 27, 1905
Sergeant, Mrs. M.	Co. D, 22d N. Y. Cav.	Captain	Dec. —, 1886	30, Binghamton.....	July 4, 1905
Seton, William.....	Co. G, 4th N. Y. Inf.	Captain	Dec. —, 1886	78, Binghamton.....	Dec. 13, 1905
Seward, William.....	Co. E, 7th N. Y. S. M.	Corporal	Dec. 20, 1885	61, Norra.....	Jan. 16, 1905
Shaughnessy, John.....	Co. I, 7th N. Y. S. M.	First Sergeant	Dec. 20, 1885	140, New York City.....	Jan. 16, 1905
				140, New York City.....	Mar. 13, 1905
				43, Colosse.....	Aug. 16, 1905
					Oct. 22, 1905

MORTUARY TABLE—(Continued).

NAMES.	Company and regiment.	Rank.	Date of muster in G. A. R.	No. Post and address.	Date of death.
Shaw, Philander P.	Co. F, 27th N. Y. Inf.	Private.	May 13, 1882	124, Unadilla.	June 10, 1905
Shelburne, Calvin.	Co. E, 73d N. Y. Inf.	Private.	Oct. 1905	109, Hermon.	Nov. 10, 1905
Sheldon, Aaron J.	Co. I, 186th N. Y. Inf.	Private.	Dec. 18, 1901	381, Adams.	May 28, 1905
Sherman, Westley	Co. D, 161st N. Y. Vols.	Corporal.		376, De Ruyter.	April 17, 1905
Shute, James H.	Co. B, 8th Iowa.	Private.	1901	576, Snynna.	Nov. 3, 1905
Sigman, Martin P.	Co. C, 64th N. Y. Vols.	Private.	Oct. 13, 1884	246, Little Valley.	Aug. 24, 1905
Simmons, David W.	Co. G, 26th N. Y. Vols.	Sergeant.	Mar. 12, 1894	437, Stamford.	Sept. 26, 1905
Sisson, W. D.	Co. B, 133d N. Y. Vols.	Corporal.	Sept. 6, 1898	640, Owego.	May 7, 1905
Sigbury, Stephen D.	Co. C, 94th N. Y. H. Art.	Private.	Sept. 11, 1868	145, Phoenix.	Nov. 26, 1905
Sikdering, Henry D.	U. S. Navy	Paymaster.	April 25, 1887	103, New York City.	June 22, 1905
Slavin, Thomas H.	Co. I, 54th N. Y. Vols.	Private.	Feb. 21, 1887	443, Brooklyn.	May 23, 1905
Sliver, E. A.	Co. D, 91st N. Y. Vols.		Aug. 3, 1869	34, Troy.	June 8, 1905
Smith, Alfred P.	Co. G, U. S. A.	Brigade-Sergeant.	Nov. 4, 1897	9, Buffalo.	May 23, 1905
Smith, Alvin	Co. G, 77th N. Y. Vols.	Private.	Sept. 8, 1890	253, Gansevoort.	Nov. 27, 1905
Smith, Cornelius	Co. D, 6th N. Y. H. Art.	Private.	Dec. 18, 1899	60, Yonkers.	Sept. 1, 1905
Smith, Gershon.	Co. F, 75th N. Y. Inf.	Private.	Jan. 7, 1885	527, Freeport.	Nov. 6, 1905
Smith, James G.	Co. I, 81st N. Y. Inf.	Private.	Oct. 12, 1888	482, Camden.	Feb. 25, 1905
Smith, Nolan	68th N. Y. Inf.	Private.		292, Portland.	May 26, 1905
Smith, William B.	Co. H, 3d L. Art.	Private.	Feb. 11, 1880	45, Auburn.	Nov. 23, 1905
Snyder, Oscar H.	Co. A, 101st N. Y. Inf.	Private.	May 28, 1891	151, Syracuse.	Mar. 3, 1905
Spencer, Henry	Co. E, 94th N. Y. Inf.	Private.	Jan. 14, 1869	241, Friendship.	Jan. 12, 1905
Spindlove, Edward S.	Co. C, 85th N. Y. Vols.	Private.	Aug. 4, 1869	64, Seneca.	Nov. 12, 1905
Sperry, E. M.	Co. E, 126th N. Y. Vols.	Private.	April 22, 1874	97, Boonville.	Jan. 24, 1905
Spooner, Alexander M.	Co. H, 9th Vermont.	First Lieutenant.	April 10, 1881	141, Troy.	May 11, 1905
Springue, George	Co. H, 14th N. Y. H. Art.	Private.	April 16, 1896	480, Penn Yan.	Sept. 24, 1905
Spurlock, Samuel M.	Co. G, 4th U. S. Inf.	Lieutenant.	Mar. 12, 1892	499, Worcester.	Nov. 14, 1905
Spurlock, Orlando	134th N. Y. Vols.	Private.	Aug. 12, 1895	25, Worcester.	Nov. 1, 1905
Starks, John J.	Co. F, 47th N. Y. Vols.	Sergeant.	Sept. 5, 1880	197, Brooklyn.	Dec. 3, 1905
Stata, William H.	Co. E, 1st W. Inf.	Private.	Mar. 16, 1885	247, Watfane.	Jan. 19, 1905
Starkweather, Wallace W.	Co. H, 94th N. Y. Inf.	Private.	Jan. 16, 1888	323, Watertown.	Nov. 8, 1905
Stafford, Benjamin	Co. I, 26th N. Y. Inf.	Private.	Dec. 27, 1873	110, Ilion.	Jan. 22, 1905
Starr, Eli	Co. F, 58th N. Y. Vols.	Private.	Dec. 27, 1892	347, Livingston Manor.	Oct. 16, 1905
Steel, Fred	Co. H, 180th N. Y. L. Art.	Private.	Mar. 24, 1880	150, Gouverneur.	April 9, 1905
Stephens, Jeremiah	Co. B, 40th N. Y. Cav.	Private.	Oct. 1894	424, Plattsburgh.	Mar. 20, 1905
Stevens, George B.	Co. A, 50th N. Y. Engs.	Sergeant.	Dec. 12, 1883	423, Valatie.	May 4, 1905
Stevens, John	Co. A, 7th N. Y. Cav.	Private.	May 10, 1904	92, Saratoga Springs.	April 20, 1905
Stewart, Loring	Co. K, 52d N. Y. Vols.	Private.	Feb. 3, 1882	32, New York City.	April 10, 1905
Stickney, John	Co. E, 37th Mass. Inf.	Private.		312, Watervliet.	Mar. 31, 1905
Stiles, A. B.	Co. E, 92d N. Y. Vols.	Private.	Feb. 10, 1900	107, Norwood.	Oct. 19, 1905

Stocum, Major John.....	Co. A, 189th N. Y. Vols.	Captain.....	June 27, 1877	81, Bath.....	Feb. 5, 1905
Stoddard, David Curtis.....	Co. C, 2d N. Y. H. Art.	Captain.....	Jan. 21, 1901	53, Utica.....	Dec. 15, 1905
Suter, Walter.....	Co. I, 10th N. Y. Vols.	Captain.....	Dec. 13, 1879	410, Clayton.....	Aug. 20, 1905
Sullivan, John J.....	Co. A, 28th N. Y. Inf.	Second Lieutenant.....	Dec. 13, 1879	133, Niagara.....	May 24, 1905
Sutliff, Hiram B.....	Co. M, 4th N. Y. Cav.	Private.....	Aug. 1, 1904	372, Addison.....	Mar. 9, 1905
Sweetland, Oscar A.....	Co. K, 8th Conn. Inf.	Private.....	July 9, 1883	40, Oxford.....	June 11, 1905
Tabor, John.....	Co. D, 119th N. Y. Vols.	Private.....	Oct. 18, 1880	24, New York City.....	June 1, 1905
Talcott, E. E.....	Co. H, 7th Mich. Cav.	Private.....	Oct. 18, 1880	151, Syracuse.....	July 19, 1905
Thayer, Will.....	Co. C, 1st N. Y. L. Art.	Bugler.....	Sept. 13, 1889	156, Gouverneur.....	June 16, 1905
Thoma, Peter.....	17th Battalion.....	First Lieutenant.....	Sept. 13, 1889	500, Elmhurst.....	June 12, 1905
Thompson, I. M.....	Co. F, 114th.....	Private.....	Oct. 18, 1883	114, Albion.....	Jan. 2, 1905
Thompson, S. D.....	Co. F, 91st N. Y. Inf.	Private.....	July 25, 1896	376, DeRuyter.....	Aug. 30, 1905
Tice, Charles J.....	Co. I, 6th N. Y. H. Art.	Private.....	Oct. 21, 1898	2, Buffalo.....	Dec. 29, 1905
Tiffany, Warren.....	Co. B, 137th N. Y. Vols.	Private.....	April 20, 1889	200, Lowville.....	May 12, 1905
Titus, Leroy R.....	Co. B, 60th N. Y. Vols.	Private.....	May 23, 1888	30, Binghamton.....	Dec. 28, 1905
Topping, William H.....	Co. D, 1st Ill. Vols.	Private.....	Mar. 6, 1879	416, Millport.....	Sept. 15, 1905
Townsend, Kenneth.....	Co. G, 106th N. Y. Vols.	Private.....	Sept. 18, 1894	9, Buffalo.....	Sept. 7, 1905
Townsend, William.....	Co. D, 2d N. Y. Cav.	Private.....	May 14, 1892	354, Ottawa.....	April 4, 1905
Trimble, William.....	Co. K, 6th Mass. Inf.	Private.....	April —, 1888	120, Katonah.....	Nov. 16, 1905
Tucker, E. G.....	Co. F, 95th N. Y. Vols.	Private.....	Aug. 18, 1880	312, Watervliet.....	Oct. —, 1905
Turner, Charles.....	Co. C, 5th Vermont Inf.	Private.....	Jan. 26, 1886	140, New York City.....	Feb. 28, 1905
Tulip, Nelson.....	Co. A, 3d N. Y. N. G.	Private.....	Oct. 23, 1878	179, Haverstraw.....	Dec. 15, 1905
Twining, Rev. C. L.....	Co. G, 45th N. Y. Vols.	Sergeant.....	Jan. 26, 1869	354, Ottawa.....	Nov. 1, 1905
Uhl, Frederick.....	Co. D, 1st Pa. Cav.	Corporal.....	Feb. 6, 1891	11, Brooklyn.....	Feb. 11, 1905
Underham, H. M.....	Co. K, 21st N. Y. Inf.	Private.....	April 29, 1875	32, New York City.....	Jan. 9, 1905
Valentine, Jabez.....	Co. K, 10th N. Y. H. Art.	Private.....	Mar. 25, 1889	314, Wayland.....	Mar. 25, 1905
Vascher, Isaac N.....	Co. M, 4th N. Y. Vols.	Private.....	May 25, 1881	9, Buffalo.....	Feb. 15, 1905
Vosburg, Orlando.....	Co. K, 185th N. Y. Vols.	Sergeant.....	Dec. 15, 1900	410, Clayton.....	Nov. 28, 1905
Van Back, William.....	Co. K, 128th N. Y. Vols.	Corporal.....	May 28, 1895	623, Elmore.....	April 17, 1905
Van Buren, Isaac.....	Co. H, 76th N. Y. Vols.	Sergeant.....	Dec. 7, 1892	138, Hudson.....	Dec. 27, 1905
Vanderhoof, William.....	Co. H, 162d N. Y. Vols.	Commissary.....	April 25, 1874	51, Canajoharie.....	Jan. 23, 1905
Vanderwerker, Charles.....	Co. G, 77th N. Y. Vols.	Private.....	June 7, 1890	33, Amsterdam.....	Mar. 16, 1905
Vanderwerker, Taylor.....	Co. D, 6th N. Y. H. Art.	Private.....	Sept. 8, 1890	630, Waterford.....	Aug. 26, 1905
Van Gordon, Isaac F.....	Co. E, 70th N. Y. Vols.	Private.....	Mar. 2, 1899	253, Gansevoort.....	Jan. 31, 1905
Van Horden, Nathan.....	Co. H, 95th N. Y. Vols.	Private.....	July 21, 1890	281, Tonawanda.....	Jan. 25, 1905
Van Loon, Isaac.....	Co. H, 180th N. Y. Vols.	Private.....	Feb. 20, 1889	170, Mt. Vernon.....	Nov. 27, 1905
Van Pelt, Spencer T.....	Co. I, 34th N. Y. Vols.	First Lieutenant.....	April 29, 1887	138, Hudson.....	Jan. 19, 1905
Van Rensselaer, Kiliaen.....	Co. H, 74th N. Y. Vols.	First Sergeant.....	May 11, 1897	156, Gouverneur.....	May 10, 1905
Van Scooter, A. E.....	Co. D, 3d N. Y. L. Art.	Private.....	Nov. 30, 1900	103, New York City.....	Nov. 26, 1905
Van Valkenburgh, Jacob.....	Co. E, 144th N. Y. Vols.	Private.....	May 26, 1881	216, Sparta.....	Nov. 24, 1905
Vermilyen, Solomon.....	76th N. Y. Inf.	First Lieutenant.....	May 23, 1867	92, Saratoga Springs.....	Dec. 29, 1905
Wallcott, W. Stuart.....	58th N. Y. Vols.	Private.....	Feb. 11, 1869	31, Newburgh.....	Mar. 11, 1905
Wallace, Joseph C.....	Co. G, 59th N. Y. Vols.	Private.....	April 14, 1880	52, Newburgh.....	Sept. 4, 1905
Walsh, Joseph.....	Co. B, 18th N. Y. Vols.	Private.....	Mar. 21, 1890	42, Buffalo.....	April 10, 1905
Walsh, Michael.....	Co. F, 26th N. Y. Vols.	Private.....	May 7, 1886	9, Buffalo.....	April 7, 1905
Walsh, Thomas.....	Co. K, 23d N. Y. Vols.	Private.....	April 26, 1899	6, Elmira.....	April 19, 1905
Walters, William M.....					Sept. 13, 1905

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MORTUARY TABLE—(Continued).

NAMES.	Company and regiment.	Rank.	Date of muster in G. A. R.	No. Post and address.	Date of death.
Wangle, Joseph R.	Co. D, 49th Pa. Inf.	Private	Sept. 4, 1882	121, Albany.	July 13, 1905
Warden, Charles T.	Co. I, 9th N. Y. H. Art.	Private	Mar. 5, 1900	670, Schenectady.	May 14, 1905
Warner, Frank C.	U. S. N.	Ensign	July 16, 1870	110, Iliou.	Mar. 11, 1905
Warren, Hiram W.	Ind. Cav.	Private	June 26, 1891	391, Rochester.	April 21, 1905
Warren, J. K.	Co. K, 144th N. Y. Vols.	Private	May 16, 1894	177, Sidney.	April 8, 1905
Wasburn, George.	Co. A, 23d N. Y. Vols.	Private	Aug. 27, 1887	586, S. Dayton.	April 21, 1905
Wasburn, William.	Co. F, 23d N. Y. Vols.	Private	Aug. 27, 1887	623, Elmira.	April 21, 1905
Waterhouse, Samuel T.	Co. E, 10th N. Y. Inf.	Private	April 23, 1888	435, Brooklyn.	Oct. 16, 1905
Watkins, John T.	Co. H, 148th N. Y. Inf.	Corporal	Aug. 6, 1886	597, Phelps.	Dec. 20, 1905
Watson, B. F.	8th Mass. Inf.	Major	Sept. 13, 1886	140, New York City.	Dec. 21, 1905
Way, Thomas.	Co. E, 150th N. Y. Vols.	Private	Sept. 13, 1886	48, Matteawan.	Dec. 27, 1905
Webster, Frank J.	Co. M, 10th N. Y. Cav.	Corporal	Dec. 31, 1880	126, Wilson.	Dec. 27, 1905
Webster, Stephen.	Co. E, 8th N. Y. Vols.	Private	June 14, 1905	514, Catskill.	Dec. 9, 1905
Weed, Theodore H.	Co. H, 10th N. Y. Cav.	Private	June 22, 1885	151, Syracuse.	May 12, 1905
Welch, Simon.	Co. I, 51st N. Y. Vols.	Private	— 1890	25, Worcester.	Feb. — 1905
Weller, William F.	Co. B, 15th N. Y. Cav.	Captain	— 1885	648, Liverpool.	Sept. — 1905
Wells, A. O.	Co. C, 8th Commiss.	Second Lieutenant	Mar. — 1884	448, Brooklyn.	Oct. 11, 1905
Weller, Orion D.	Co. F, 27th Maine Inf.	Private	Nov. 6, 1902	455, Rochester.	Oct. 11, 1905
Westcott, Fernando.	Co. I, 103d N. Y. Inf.	Private	Nov. 6, 1902	433, Valois.	Oct. 7, 1905
Westbrook, E. D.	120th N. Y. Inf.	Colonel	Nov. 6, 1902	127, Kingston.	Sept. 24, 1905
Wheeler, George H.	Co. I, 26th N. Y. Inf.	Major	May 23, 1867	31, New York Mills.	Sept. 24, 1905
White, Albion.	Co. I, 146th N. Y. Inf.	Private	Feb. 17, 1883	39, Trenton.	July 25, 1905
White, David E.	Co. C, 14th U. S. Inf.	Private	Aug. — 1894	243, Pavilion.	Mar. 21, 1905
White, Solomon.	Co. E, 125th N. Y. Vols.	Lieutenant	Aug. — 1894	175, Port Byron.	May 22, 1905
Whitney, A. R.	Co. C, 114th N. Y. Vols.	Private	May 28, 1886	83, Norwich.	July — 1905
Whitney, Frank B.	Co. E, 25th N. Y. Cav.	Private	Jan. 16, 1897	199, Whitney's Point.	Sept. 30, 1905
Whitton, John B.	Co. C, 7th N. Y. Vols.	Private	Jan. 16, 1897	289, Saratoga Springs.	Dec. 2, 1905
Whittle, Thomas.	Co. N, 144th N. Y. Vols.	Private	Sept. 10, 1894	48, Matteawan.	Jan. 8, 1905
Wilder, Jacob.	Co. D, 2d N. Y. Art.	Private	Dec. 2, 1879	435, Brooklyn.	Feb. 15, 1905
Wilcox, John J.	Co. H, 65th N. Y. Cav.	Private	June 14, 1883	119, Oneonta.	May 15, 1905
Williams, S. P.	Co. A, 75th N. Y. Vols.	Private	May 26, 1881	435, Brooklyn.	Oct. 31, 1905
Williams, George L.	Co. E, 130th N. Y. Vols.	Private	April 4, 1883	155, Moravia.	Dec. 2, 1905
Willis, Charles.	Co. E, 14th N. Y. H. Art.	Private	Feb. 17, 1891	9, Buffalo.	Nov. 10, 1905
Wilson, John.	U. S. N.	Private	Mar. 2, 1889	97, Boonville.	Jan. 10, 1905
Wilson, Orion M.	Co. K, 97th N. Y. Vols.	Private	May 6, 1905	126, Vernon Center.	Feb. 10, 1905
Wilson, P. L.	20th N. Y. S. M.	Private	May 13, 1872	127, Kingston.	Dec. 26, 1905
Wilt, Joseph T.	Co. G, 5th N. Y. S. M.	Private	Oct. — 1890	24, New York City.	Dec. 16, 1905
	Co. E, 113th N. Y. S. M.	First Lieutenant	Oct. — 1890	402, C. M. Jamaica.	Dec. — 1905

Wincent, John.....	Co. H, 49th Mass. Inf.	Private	Oct. 1, 1875	10, Ilion.....	July 12, 1905
Witherill, Isaac H.....	Co. B, 136th N. Y. Vols.	Private	April 8, 1896	296, Canaseraga.....	Aug. 5, 1905
Wiener, Chauncey.....	Co. H, 24th N. Y. Vols.	Private	Feb. 3, 1883	271, Fulton.....	Feb. 16, 1905
Wolf, William.....	Co. F, 8th N. Y. Vols.	Private	May 27, 1878	62, New York City.....	Nov. 7, 1905
Wood, Christopher.....	Co. C, 80th N. Y. Vols.	Private	Jan. 23, 1888	127, Kingston.....	Oct. 28, 1905
Wood, Daniel F.....	Co. K, 64th N. Y. Vols.	Sergeant	June 29, 1873	386, S. Dayton.....	Mar. 30, 1905
Wood, Frederick.....	Co. B, 116th N. Y. Vols.	Private	Jan. 7, 1886	2, Buffalo.....	Sept. 15, 1905
Woodcox, Elisha.....	Co. G, 97th N. Y. Vols.	Private	Oct. 12, 1899	200, Lowville.....	Mar. 9, 1905
Woodmore, Ransom.....	Co. B, 189th N. Y. Vols.	Private	May —, 1883	226, Hornellsville.....	July 19, 1905
Woodward, Clarence.....	Co. A, 12th N. Y. Vols.	Private	May —, 1883	151, Syracuse.....	April 26, 1905
Wordell, George H.....	Co. M, 2d N. Y. L. A.	Private	Dec. 5, 1890	39, Prospect.....	Jan. 29, 1905
Workman, Samuel.....	Co. B, 41st Wis. Inf.	Med. Assistant	May 26, 1882	125, Sanborn.....	Oct. 31, 1905
Wright, Chester W.....	Co. A.....	Private	Jan. 28, 1895	192, New York City.....	Mar. 7, 1905
Wright, George W.....	Co. H, 13th N. Y. Vols.	Sergeant	Oct. 3, 1878	151, Syracuse.....	Oct. 5, 1905
Wright, John L.....	Co. A, 28th N. Y. Vols.	Private	Mar. 8, —, 1898	391, Rochester.....	Nov. 7, 1905
Wright, Samuel.....	Co. K, 123d N. Y. Vols.	Private	Feb. 22, 1888	76, Lockport.....	Dec. 15, 1905
Wygant, Matthew.....	28th N. Y. Ind. Battery	Private	Feb. 17, 1903	459, Mt. Morris.....	Mar. 19, 1905
Yattau, Hiram.....	Co. H, 18th N. Y. Vols.	Private	Dec. 21, 1882	587, Sandy Hill.....	June 7, 1905
York, Otis.....	Co. G, 161st N. Y. Vols.	Private	Nov. 14, 1878	670, East Syracuse.....	Feb. 14, 1905
Young, George.....	Co. I, 107th N. Y. Vols.	Private	Aug. 9, 1884	314, Wayland.....	Sept. 30, 1905
Zerris, Philip.....	Co. F, 91st N. Y. Vols.	Private		5, Albany.....	Nov. 4, 1905
Zollt, Joseph T.....	Co. B, 153d N. Y. Vols.	First Lieutenant		402, New York City.....	Dec. 8, 1905

The Committee to whom this report was referred, subsequently reported thereon as follows:

Commander and Comrades.—Your Committee, having considered the report of Chaplain Asher Cook, would most emphatically endorse his condemnation of the neglect of Posts which make no reports; only 260 having sent in Mortuary Reports, and only 240 having furnished reports of Memorial Day and Sabbath. The reports sent show care and interest among the comrades, and evidence that generally the Posts are attentive to the work, but very neglectful of reports. There is evidence also that some Posts are still remiss about having headstones and markers at the spot where our comrades sleep. We most earnestly recommend that these evils be remedied at once.

Respectfully submitted,

GEO. B. FAIRHEAD,

W. E. KIMBALL,

Committee.

The report was thereupon adopted.

Report of Chief Mustering Officer.

ALBANY, N. Y., *June 21, 1906.*

JAS. W. SNYDER, *Department Commander, N. Y. G. A. R.:*

Dear Sir and Comrade.—The duties of Chief Mustering Officer are honorary rather than arduous. The days of the Grand Army are short and new Posts are a thing almost of the past. There has been none instituted the past year. I have attended all Council meetings and performed the duties at your direction.

My most cordial thanks are due to yourself for the uniform courtesy and kindness extended to me, also the cordial and friendly relations of the members of your staff. With the kindest wishes for your future welfare, I am

Yours fraternally,

S. MCAULIFFE,

Chief Mustering Officer.

The Committee to whom this report was referred, subsequently reported favorably thereon and recommended its adoption.

The report was thereupon adopted.

Report of Judge-Advocate.

TROY, N. Y., *June* 18, 1906.

Comrade.—I have the honor to report my work as Judge-Advocate of the Department of New York for the term ending June 22, 1906.

The principal work has been in writing letters, in answer to questions, which the writer might have informed himself by consulting a copy of the Rules and Regulations. The Rules and Regulations are altered and amended in some particulars by the National Encampment every year. One comrade will have an edition of five or six years ago and insist that that is the law, while another comrade has heard the law has been changed and thereupon an interminable row commences and the Judge-Advocate is appealed to to decide. Every post should provide itself with a copy of the last edition of the Rules and Regulations and when the general order from National Headquarters gives information of the action of the National Encampment altering or amending them, a note of the change should be made on the copy in use. The cost of a new copy of the Rules and Regulations is but five cents, and a Post is in as much need of a copy as a mariner a chart and compass.

I congratulate the Order that as we grow older we are growing less quarrelsome, which evidences to me that the three great principles of the Order are deeply rooted and comrades are growing more charitable and fraternal. Not a court-martial has been held during the year the decision of which has been forwarded for official action at these Headquarters. I know of but one general court having been ordered during the year, and the same has not yet convened. This is a vast improvement along the lines of peace and fraternal regard, than during my previous incumbency of this office.

In addition to the regular duties of my office I was appointed Chairman of the Committee on Legislation, which involved some

considerable labor. I appeared before several committees of both branches of the Legislature either to favor or oppose bills which involved the rights of veterans. I favored the bill approved by the 39th Annual Encampment of this Department, entitled "An act to amend the civil service law, by adding thereto one section, relative to retiring veterans and pensioning them, to be known as section twenty-one-a." The bill was introduced in the Assembly by Hon. William H. Burns of New York, and at the hearings before the Assembly Judiciary Committee I was assisted by Comrade M. H. Whalen, Post 313, Past Department Commander Harrison Clark and Comrade D. J. O'Brien, Post 121. The bill was passed by the Assembly and a hearing ordered before the Senate Judiciary Committee. At the latter hearing I was accompanied by Comrades Clark and O'Brien. The bill passed the Senate and was vetoed by the Governor, who gave a reason that the bill was defective in some particulars and that it tended in the direction of general pension legislation to which the State has not yet been committed.

A bill was introduced in the Assembly to amend Chap. 270, Laws 1902, being:

"An act to amend the civil service law in relation to veterans."

This law safeguards the veterans' rights in the civil service better than any law upon the statute books of the State and is the one which the politician and place-seeker is stealthily seeking to repeal. We brought all the influence we could control to oppose it and succeeded in defeating it.

Another bill of like import was introduced in the Assembly, but the opposition was so strong and manifest that the member who introduced it abandoned it.

The work of the Committee was greatly assisted by the efforts of Assistant Adjutant-General S. W. Snyder, who kept a constant watch of the bills introduced, and as soon as printed a copy was forwarded to me, also a copy of the calendar of each house every day, showing where the bills were and what progress had been made.

While I cannot report that we have been especially benefited by legislation I am happy to add that we have suffered no injury by adverse acts.

The year has been a pleasant one. My official and fraternal relations with the Commander and members of the Council of Administration has been all that a true comradeship could suggest. I desire to thank them all, and wish them each a full fruition of their fondest hope.

Respectfully submitted in F. C. and L.,

LEWIS E. GRIFFITH,

Judge-Advocate.

SPENCER W. SNYDER,

Assistant Adjutant-General.

The Committee to whom this report was referred, subsequently reported favorably thereon and recommended its adoption; the report being endorsed, "approved," J. E. Ewell and J. D. Ellsworth, Committee.

The report was thereupon adopted.



J. B. LORD,
Department Inspector.

Report of Department Inspector.

NEW YORK CITY, June 18, 1906.

TO JAMES M. SNYDER, *Department Commander of G. A. R., N. Y.:*

I have the honor to submit the following report of the inspection of Posts of the Department, after much labor and time.

I am greatly indebted to the County Inspectors, to whom I extend my grateful thanks, for the large number of Posts inspected. Of the 614 Posts in the Department, 609 were inspected.

I would suggest that hereafter inspections take place during the months of October and November, before the cold weather sets in.

I take great pleasure in reporting the good work done by the small Posts in the county towns on Memorial Day, which deserves special mention.

I have visited 128 Posts in the following counties: New York, Kings, Richmond, Queens, Suffolk, Albany, Rensselaer and Orange. Nothing but the most fraternal feelings greeted me on my visits to those places.

I would recommend to my successor to visit small Posts and encourage them in their work.

I cannot close without expressing my thanks to the Department Commander and his Staff for their kindness on all occasions, and will say it has been one of the happiest years of my life, and I trust we shall live many years to enjoy the blessings of our great Commander.

Yours in F. C. and L.,

JOSEPH B. LORD,

Department Inspector.

TO JAMES M. SNYDER, *Department Commander of New York, G. A. R.:*

Comrade.—I have the honor to submit the following report of the inspection of the Posts of this Department:

Number of Posts in Department inspected. 609

Number of Posts in Department not inspected. 5

Total number of Posts. 614

214 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Number of Comrades in good standing.....	28,417
Number of Posts where ritual is exemplified.....	570
Number of Posts where ritual is not exemplified....	39
Number of Posts not inspected.	5
Total number of Posts.....	614
Number of Posts where officers and guards are equipped.	225
Number of Posts where officers and guards are not equipped.	384
Number of Posts not inspected.....	5
Total number of Posts.....	614
Number of Posts uniformed.	235
Number of Posts not uniformed.....	374
Number of Posts not heard from.....	5
Total number of Posts.....	614
Number of Posts where records are well kept.....	590
Number of Posts where records are not well kept....	19
Number of Posts not heard from.....	5
Total number of Posts.....	614
Number of Posts where Orders are received and read.	595
Number of Posts where Orders are not read.....	14
Number of Posts not heard from.....	5
Total number of Posts.....	614
Number of Posts that have forwarded their dues.....	614
Number of Posts that have a relief fund.....	182
Number of Posts that have no relief fund.....	427
Number of Posts not heard from.....	5
Total number of Posts.....	614



SAMUEL MCAULIFFE,
Department Inspector.

OF THE GRAND ARMY OF THE REPUBLIC.

215

Number of Posts which have W. R. C.....	247
Number of Posts which have no W. R. C.....	362
Number of Posts not heard from.....	5

Total number of Posts.....	614
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Number of Posts having S. O. V.....	106
Number of Posts having no S. O. V.....	503
Number of Posts not heard from.....	5

Total number of Posts.....	614
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Prospects of Posts—Excellent.	22
Prospects of Posts—Good.	400
Prospects of Posts—Fair.	154
Prospects of Posts—Poor.	33
Number of Posts not inspected.....	5

Total number of Posts.....	614
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Amount in Posts' Relief Fund.....	\$73,357 92
Amount spent for relief.....	87,332 81
Amount in hands of Quartermasters.....	201,013 61
Amount of Post property.....	214,372 72

Yours in F. C. and L.,

J. B. LORD,

Department Inspector.

January 1, 1906.

The committee to whom was referred the report of the Department Inspector, respectfully state that we have examined the same and find the fact that only five Posts remained uninspected attests to the faithfulness and painstaking care with which the work was performed, and hereby approve the same.

S. McAULIFFE,

M. J. CUMINGS,

C. H. BRONSON,

Committee.

Annual Report of the Inspector of the Department of

NAME OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and filed?
O'Roarke.....	1	161	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Chapin.....	2	608	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Thatford.....	3	32	Yes	Yes	Yes	Yes	Yes	Yes	Yes
George H. Thomas.....	4	38	Yes	No	No	Yes	Yes	Yes	Yes
Lew Benedict.....	5	156	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Baldwin.....	6	181	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Gordon Granger.....	7	43	Yes	No	No	Fair	Fair	Yes	Yes
Phil Kearney.....	8	56	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bidwell-Wilkinson.....	9	398	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rankin.....	10	192	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Barbara Fritchie.....	11	86	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vanderburg.....	12	33	Yes	No	No	Fair	Fair	Yes	Yes
Abraham Lincoln.....	13	22	Yes	Yes	Yes	Yes	Yes	Yes	Yes
John F. McQuade.....	14	83	Yes	No	Partly	Yes	Yes	Yes	Yes
Brown.....	15	34	Yes	No	No	Yes	Yes	Yes	Yes
Frank Head.....	16	61	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Canby.....	17	48	Yes	No	No	Fair	Yes	Yes	Yes
Gen. John McConihe.....	18	33	Yes	No	No	Yes	Yes	Yes	Yes
Galpin.....	19	70	Yes	Yes	No	Yes	Yes	Yes	Yes
Hamilton.....	20	152	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Harry Lee.....	21	75	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Montour.....	22	21	Yes	Partly	Partly	Fair	Fair	Yes	Yes
Rowell.....	23	26	Yes	No	No	Yes	Yes	Yes	Yes
Sumner.....	24	115	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Johnson.....	25	14	Yes	No	No	Yes	Yes	Yes	Yes
S. C. Turner.....	26	35	Yes	No	No	Fair	Fair	Yes	Yes
Hollister.....	27	42	Yes	No	No	Yes	Fair	Yes	Yes
Gen. H. W. Slocum.....	28	51	Yes	Yes	Yes	Yes	Yes	Yes	Yes
James C. Rice.....	29	114	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Watrous.....	30	262	Yes	Yes	No	Partly	Yes	Yes	Yes
Ross.....	31	47	Yes	No	No	Yes	Yes	Yes	Yes
Koltes.....	32	169	Yes	Yes	Yes	Yes	Yes	Yes	Yes
E. S. Young.....	33	102	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Geo. L. Willard.....	34	70	Yes	No	No	Yes	Yes	Yes	Yes
Mansfield.....	35	263	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Wm. H. Reynolds.....	36	34	Yes	No	No	Yes	Yes	Yes	Yes
Chas. A. Stewart.....	37	61	Yes	No	No	Yes	Yes	Yes	Yes
George G. Meade.....	38	44	Yes	Yes	Partly	Yes	Fair	Yes	Yes
Thomas.....	39	25	Yes	No	No	Yes	Yes	Yes	Yes
Admiral Meade.....	40	19	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sidney.....	41	75	Yes	No	No	Yes	Yes	Yes	Yes
Wm. D. Kennedy.....	42	63	Yes	Yes	Yes	Yes	Yes	Yes	Yes
N. G. Lyon.....	43	70	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Reno.....	44	157	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Seward-Crocker.....	45	235	Yes	No	No	Yes	Yes	Yes	Yes
Wm. H. McKittrick.....	46	61	Yes	No	No	Yes	Yes	Yes	Yes
Skillen.....	47	71	Yes	No	No	Yes	Yes	Yes	Yes
Howland.....	48	58	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Reese.....	49	71	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Huntsman.....	50	39	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Farrell.....	51	26	Yes	No	No	Yes	Yes	Yes	Yes
Ellis.....	52	72	Yes	Yes	Partly	Yes	Yes	Yes	Yes
Bacon.....	53	110	Yes	No	No	Yes	Yes	Yes	Yes
Allen.....	54	18	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Kessler.....	55	51	Yes	No	No	Yes	Yes	Yes	Yes
Starr.....	56	19	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Van Derveer.....	57	25	Yes	No	No	No	No	No	Yes
S. W. Fullerton.....	58	53	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Babeock.....	59	43	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kitchings.....	60	117	Yes	Yes	Yes	Yes	Yes	Yes	Yes
George Kidder.....	61	28	Yes	No	No	No	No	Yes	Yes
J. L. Riker.....	62	53	Yes	Yes	Yes	Yes	Yes	Yes	Yes
George Dawson.....	63	59	Yes	No	No	Yes	Yes	Yes	Yes
James Boney.....	64	22	Yes	No	No	Yes	Yes	Yes	Yes

New York G. A. R., for the year ending June 30, 1906.

Have all reports and taxes been forwarded?	Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.?	What are the prospects for the future?
Yes	No		\$52 00	\$271 45	\$800 00	Yes	Yes	Good.
Yes	No		234 22	2,945 53	1,500 00	Yes	No	Excellent.
Yes	No		69 13	1,043 81	200 00	No	No	Good.
Yes	No		60 25	192 25		No	No	Good.
Yes	Yes	\$1,001 32	232 63	1,001 32	11,077 36	Yes	No	Excellent.
Yes	Yes	30 00	256 00	237 70	779 00	No	Yes	Good.
Yes	No			23 84	701 00	Yes	No	Good.
Yes	Yes	393 64	525 00	143 64	360 00	No	Yes	Good.
Yes	Yes	1,562 12	429 75	2,109 09	1,637 85	No	No	Excellent.
Yes	No		298 00	321 00	1,000 00	Yes	No	Good.
Yes	No		782 10	1,061 00	1,350 00	Yes	Yes	Good.
Yes	No			12 00	150 00	Yes	No	Good.
Yes	No		15 00	262 25	200 00	Yes	Yes	Good.
Yes	Yes	200 00	250 00		400 00	No	Yes	Good.
Yes	No			75 00	200 00	Yes	No	Good.
Yes	No		197 00	379 00	100 00	No	No	Good.
Yes	Yes	87 50	192 04	100 81	300 00	Yes	No	Good.
Yes	Yes	45 50	300 00	341 95	204 75	No	No	Good.
Yes	No				250 00	Yes	No	Good.
Yes	No		419 07	398 93	1,200 00	Yes	Yes	Good.
Yes	Yes	5,571 76	350 00	5,591 15	600 00	No	No	Good.
Yes	Yes	26 40	8 69	14 42	250 00	No	No	Fair.
Yes	Yes	33 26	39 05	65 50	80 00	No	Yes	Good.
Yes	No		895 00	2,063 88	250 00	Yes	No	Good.
Yes	Yes	50 00	150 00	50 00	25 00	Yes	No	Good.
Yes	No				50 00	No	Yes	Good.
Yes	Yes	20 00	125 00	37 09	200 00	No	No	Good.
Yes	No		467 50	138 76	500 00	Yes	No	Good.
Yes	No		200 00	203 90	927 00	No	No	Good.
Yes	No			504 00	1,000 00	Yes	No	Good.
Yes	Yes	116 00	116 00	381 73	250 00	No	Yes	Good.
Yes	Yes	1,500 00	500 00	8,100 00	500 00	No	No	Good.
Yes	No		29 86	1,058 57	960 00	Yes	Yes	Excellent.
Yes	Yes	52 00	300 00	311 12	275 00	Yes	No	Good.
Yes	No		1,855 65	893 65	500 00	Yes	Yes	Very good.
Yes	Yes	250 00	250 00	395 57	600 00	Yes	Yes	Good.
Yes	No		25 00	19 00	75 00	Yes	Yes	Good.
Yes	No		204 00	88 06	160 00	No	No	Good.
Yes	No			28 55	25 00	No	Yes	Good.
Yes	No			24 50	188 00	Yes	No	Good.
Yes	No			10 30	300 00	Yes	Yes	Good.
Yes	No		1,123 00	5,907 97	1,000 00	Yes	Yes	Good.
Yes	Yes	960 10	15 00	3,145 32		No	Yes	Good.
Yes	No		2,751 91	6,506 93	800 00	No	Yes	Good.
Yes	No			46 04	300 00	Yes	Yes	Good.
Yes	Yes	50	18 00	75 28	600 00	Yes	Yes	Good.
Yes	Yes	325 00	275 00	1,244 03	500 00	Yes	No	Good.
Yes	Yes	93 14	643 74	39 19	800 00	Yes	No	Good.
Yes	No		2,201 61	37 55	400 00	Yes	No	Good.
Yes	No		300 00	847 65	75 00	No	No	Good.
Yes	No		56 58	78 79	200 00	No	No	Excellent.
Yes	Yes	1,200 00	1,267 17	1,267 17	1,483 00	Yes	Yes	Excellent.
Yes	Yes	1,124 44	60 00	1,082 76	1,200 00	Yes	Yes	Good.
Yes	No				50 00	No	No	Excellent.
Yes	No			13 81	150 00	Yes	No	Good.
Yes	No			47 34	400 00	No	No	Good.
Yes	No		3 94	98 78	210 00	Yes	No	Poor.
Yes	No				547 00	Yes	No	Good.
Yes	No			51 20	500 00	Yes	No	Good.
Yes	Yes		2,375 00	660 28	1,650 00	Yes	Yes	Good.
Yes	Yes	30 98	9 00	78 53	50 00	No	No	Fair.
Yes	No		970 00	1,600 00	2,500 00	No	Yes	Fair.
Yes	No			200 00	200 00	No	No	Good.
Yes	No		14 00	215 33	35 00	No	No	Fair.

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Annual Report of the Inspector of the Department of New York,

NAME OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and filed?
J. D. O'Brien	65	130	Yes	No	No	Yes	Yes	Yes	Yes
Lilly	66	151	Yes	Partly	Yes	Yes	Yes	Yes	Yes
Sheridan-Ellsworth	67	39	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Henry Wilson	68	9	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Gen. Shields-Corcoran	69	64	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Klock	70	26	Yes	No	No	Yes	Fair	Yes	Yes
Cook	71	25	Yes	No	No	Yes	Fair	Yes	Yes
Tyler J. Snyder	72	46	Yes	No	No	Yes	Yes	Yes	Yes
Gilbert	73	25	Yes	No	No	Yes	Yes	Yes	Yes
Bingham	74	48	Yes	No	No	Yes	Yes	Yes	Yes
Farragut	75	47	Yes	Yes	Partly	Yes	Yes	Yes	Yes
Charles P. Sproat	76	79	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Gen. J. S. Wadsworth	77	70	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cross	78	72	No	No	Yes	Yes	Yes	Yes	Yes
Cameron	79	38	Yes	Yes	Yes	Yes	Yes	Yes	Yes
John A. Rawlins	80	35	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Custer	81	89	Yes	No	Yes	Yes	Yes	Yes	Yes
Waldron	82	56	Yes	Yes	Yes	Yes	Yes	Yes	Yes
E. B. Smith	83	67	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Myron Adams	84	64	Yes	Yes	Partly	Yes	Yes	Yes	Yes
H. W. Wessel	85	48	Yes	Yes	Yes	Yes	Yes	Yes	Yes
A. K. Thorp	86	35	Yes	Yes	No	No	Fair	Yes	Yes
Crary	87	36	Yes	No	No	Yes	Fair	Fair	Yes
Ketchum	88	23	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jas. K. Perry	89	157	Yes	Yes	Yes	Yes	Fair	Yes	Yes
Horsfall	90	92	Yes	Yes	Yes	Yes	Yes	Yes	Yes
S. J. Hood	91	42	Yes	No	No	Yes	Yes	Yes	Yes
Luther M. Wheeler	92	98	Yes	No	Yes	Yes	Yes	Yes	Yes
J. B. Sloan	93	118	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Swift	94	43	Yes	No	No	Yes	Yes	Yes	Yes
Abraham Vosburgh	95	60	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Oliver Tilden	96	64	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Wheeler	97	45	Yes	No	No	Yes	Yes	Yes	Yes
Grover	98	70	Yes	Partly	Partly	Fair	Yes	Yes	Yes
Wm. B. Vosburgh	99	86	Yes	No	No	Fair	Fair	Yes	Yes
E. A. Kimball	100	56	Yes	Yes	Yes	Fair	Yes	Yes	Yes
John P. Robinson	101	50	Yes	Partly	Partly	Yes	Yes	Yes	Yes
W. H. Stevenson	102	28	Yes	Yes	Yes	Yes	Yes	Yes	Yes
George Washington	103	109	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Armstrong	104	27	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Willoughby Babcock	105	36	Yes	Yes	No	Yes	Fair	Yes	Yes
Peissner	106	52	Yes	Yes	Yes	Yes	Fair	Yes	Yes
Herendeen	107	35	Yes	No	No	Fair	Yes	Yes	Yes
Joseph J. Bartlett	108	92	Yes	No	No	Fair	Fair	Yes	Yes
Dwight	109	19	Yes	Partly	Partly	Yes	Fair	Yes	Yes
Chismore	110	72	Yes	No	No	Yes	Yes	Yes	Yes
J. B. Butler	111	84	Yes	No	No	Yes	Yes	Yes	Yes
Robert G. Shaw	112	19	Yes	Partly	Yes	Yes	Yes	Yes	Yes
Dahlgren-Powell	113	99	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Curtis Bates	114	48	Yes	No	No	Fair	Yes	Yes	Yes
Hayes	115	21	Yes	No	No	Fair	Fair	Yes	Yes
Frank Norton	116	23	Yes	No	No	Fair	Fair	Yes	Yes
Eugene Bronk	117	14	Yes	Yes	Yes	Yes	Fair	Yes	Yes
Byron Lockwood	118	32	Yes	Yes	Yes	Yes	Yes	Yes	Yes
E. D. Farmer	119	115	Yes	Partly	Partly	Yes	Yes	Yes	Yes
McKeel	120	26	Yes	No	No	Yes	Yes	Yes	Yes
L. O. Morris	121	113	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Germain Metternick	122	52	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Gregg	123	82	Yes	No	No	Yes	Yes	Yes	Yes
C. C. Siver	124	16	Yes	No	No	Yes	Yes	Yes	Yes
Mahon	125	27	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Peter A. Porter	126	30	Partly	Partly	Yes	Yes	Yes	Yes	Yes
Pratt	127	243	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Joe Hooker	128	51	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Winfield B. Scott	129	40	Fair	Fair	Fair	Fair	Fair	Yes	Yes

4. R., for the year ending June 30, 1906 — Continued).

Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.?	What are the prospects for the future?
No...	\$256 00	\$7 00	\$562 66	\$530 00	Yes...	No...	Good.
No...			200 00	25 00	Yes...	Yes...	Good.
No...		240 00	446 81	500 00	No...	No...	Good.
No...				15 00	No...	No...	Good.
No...		105 00	171 73	500 00	No...	No...	Fair.
No...		100 00	42 89	150 00	Yes...	Yes...	Good.
No...			2 35	150 00	No...	No...	Good.
No...			18 27	400 00	Yes...	No...	Good.
No...	50 00		110 00	25 00	No...	No...	Fair.
es...			3 72	54 75	No...	No...	Good.
o...		125 00	45 93	92 00	No...	No...	Good.
es...	875 00	1,100 00	191 48	1,000 00	Yes...	Yes...	Good.
es...	450 00	875 00	350 00	500 00	No...	No...	Good.
o...			41 50	300 00	Yes...	Yes...	Good.
o...		45 00	281 77	450 00	Yes...	Yes...	Very good.
o...		554 00	67 54	500 00	No...	No...	Fair.
o...			49 97	622 40	Yes...	No...	Good.
o...		15 00	124 09	800 00	Yes...	Yes...	Good.
o...			17 85	350 00	No...	Yes...	Fair.
o...		32 00	16 71	500 00	Yes...	No...	Good.
o...			170 00	130 00	Yes...	No...	Good.
o...			47 42	1,550 00	Yes...	No...	Good.
es...	2 67	26 00	37 95	675 00	Yes...	No...	Good.
es...	74 00	133 76	139 69	25 00	Yes...	No...	Good.
o...		306 00	626 36	500 00	Yes...	No...	Excellent.
o...		660 03	131 39	360 47	Yes...	Yes...	Good.
o...			32 59	400 00	Yes...	No...	Good.
s...	1,654 70	433 95	105 91	5,860 53	Yes...	No...	Excellent.
s...	40 61	14 75	139 48	498 75	Yes...	Yes...	Good.
o...		450 00	108 04	200 00	Yes...	No...	Good.
o...		1,060 00	1,343 00	500 00	Yes...	Yes...	Good.
s...		500 00	1,050 00	600 00	Yes...	Yes...	Excellent.
s...	57 40	205 04	63 50	100 00	Yes...	No...	Good.
o...		215 00	298 70	768 68	Yes...	No...	Good.
o...			24 52	450 00	Yes...	Yes...	Good.
s...	274 36	475 00	1,460 52	400 00	No...	No...	Good.
s...	36 24	84 75	22 35	450 00	Yes...	No...	Good.
o...		15 00	81 55	2,003 34	Yes...	No...	Good.
o...			803 15	200 00	No...	No...	Good.
o...			2 53	200 00	No...	No...	Fair.
o...		75 00	38 50	500 00	No...	No...	Good.
o...		50 00	60 00	925 00	No...	No...	Good.
o...			2 88	100 00	Yes...	No...	Good.
o...			216 00	360 00	Yes...	No...	Good.
o...			7 00	No...	No...	No...	Good.
o...			53 75	200 00	Yes...	No...	Good.
o...		15 00	45 19	421 59	Yes...	Yes...	Good.
o...		860 00		300 00	No...	No...	Poor.
o...	2,240 00	1,024 39	2,240 00	500 00	No...	No...	Good.
o...			84 04	200 00	No...	No...	Good.
o...			4 25	No...	No...	No...	Good.
o...	33 63	419 68	137 53	250 00	Yes...	No...	Good.
o...			16 25	75 00	No...	No...	Good.
o...			98 86	225 00	No...	No...	Good.
o...	57 83		237 78	1,000 00	Yes...	No...	Good.
o...	240 00	387 01	99 93	300 00	No...	No...	Good.
o...			437 00	850 00	Yes...	No...	Good.
o...	2,958 12	881 00	5,008 59	2,591 00	Yes...	No...	Good.
o...				50 00	Yes...	Yes...	Good.
o...			28 84	10 00	No...	No...	Fair.
o...	24 14	75 00	83 19	200 00	No...	No...	Good.
o...	84 00	40 00	156 00	14 00	Yes...	Yes...	Good.
o...	1,096 75	233 42	81 75	500 00	No...	Yes...	Good.
o...		594 00	438 56	300 00	Yes...	No...	Good.
o...			138 74	5,000 00	Yes...	No...	Fair.

PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Annual Report of the Inspector of the Department of New York,

OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and filed?
	130	72	Yes	No	No	Yes	Yes	Yes	Yes
	131								
Hine	132	18	Fair	No	No	Fair	Fair	Yes	Yes
Donnelly	133	58	Yes	Yes	Yes	No	No	Yes	Yes
Dwight	134	46	Yes	No	No	Yes	Fair	Yes	Doubt.
Dix	135	118	Yes	Partly	Yes	Yes	Yes	Yes	Yes
Hilt	136	40	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	137								
athrop	138	134	Yes	No	No	Fair	Fair	Yes	Yes
andolph	139	14	Yes	No	No	Yes	Yes	Yes	Yes
e	140	474	Yes	Yes	Yes	Yes	Yes	Yes	Yes
B. Tibbitts	141	54	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	142	34	Yes	No	No	Yes	Yes	Yes	Yes
Kilpatrick	143	36	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	144	36	Yes	Yes	Yes	Yes	Yes	Yes	Yes
d	145	39	Yes	Partly	Partly	Yes	Yes	Yes	Yes
A. Weeks	146	15	Yes	Yes	Yes	Yes	Yes	Yes	Yes
W. Wing	147	69	Yes	No	No	Yes	Yes	Yes	Yes
	148	97	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	149								
Williams	150	28	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	151	366	Yes	Yes	Yes	Yes	Yes	Yes	Yes
amilton	152	75	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jams	153	41	Yes	No	No	Yes	Yes	Yes	Yes
Jark	154	19	Yes	No	No	Fair	Fair	Yes	Yes
C. Stroyell	155	31	Yes	No	No	Yes	Yes	Yes	Yes
Jams	156	95	Yes	Yes	Yes	Yes	Yes	Yes	Yes
A. Turnbull	157	20	Yes	No	No	Yes	Yes	Yes	Yes
eland	158	17	Yes	No	No	Yes	Yes	Yes	Yes
	159	35	Yes	Partly	Partly	Yes	Yes	Yes	Yes
n	160	35	Yes	No	No	Yes	Yes	Yes	Yes
rd	161	40	Yes	Yes	Yes	Yes	Yes	Yes	Yes
urray	162	68	Yes	No	No	Yes	Yes	Yes	Yes
	163	24	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Porter	164	28	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ch	165	64	Yes	No	Partly	Fair	Yes	Yes	Yes
iteside	166	42	Yes	No	No	Fair	Fair	Yes	Yes
	167	44	No	Partly	Yes	Yes	Yes	Yes	Yes
	168	12	Yes	Partly	Partly	Fair	Yes	Yes	Yes
ice	169	55	Yes	No	No	Yes	Fair	Yes	Yes
rth	170	48	Yes	Yes	Yes	Yes	Yes	Yes	Yes
rt	171	18	Yes	No	No	Yes	Yes	Yes	Yes
rk	172	12	Yes	No	No	Yes	Yes	Yes	Yes
	173	33	Yes	No	No	Yes	Yes	Yes	Yes
Stewart	174	44	Yes	Partly	Partly	Yes	Yes	Yes	Yes
ed	175	38	Yes	No	No	Yes	Yes	Yes	Yes
mmings	176	32	Yes	Yes	No	Yes	Yes	Yes	Yes
	177	32	Yes	No	No	Yes	Fair	Yes	Yes
Hinman	178	30	Yes	No	No	Yes	Yes	Yes	Yes
Pye	179	57	Yes	Yes	Yes	Yes	Yes	Yes	Yes
stoneman	180	40	Yes	Yes	Partly	Yes	Yes	Yes	Yes
	181								
amilton	182	145	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ttle	183	60	Yes	Partly	Partly	Yes	Yes	Yes	Yes
n	184	64	Yes	No	No	Yes	Yes	Yes	Yes
H. Burtis	185	49	Yes	Yes	Yes	Yes	Yes	Yes	Yes
aw	186	18	No	No	No	Yes	Fair	Yes	Yes
ont	187	56	Yes	Yes	Yes	Yes	Yes	Yes	Yes
roadbent	188	56	Yes	No	No	Yes	Yes	Yes	Yes
epard	189	9	Fair	Fair	Fair	Fair	Fair	Yes	Yes
C. S. Thomp	190	30	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	191	39	Yes	Yes	Yes	Yes	Yes	Yes	Yes
ur	192	56	Yes	Yes	Yes	Yes	Yes	Yes	Yes

I. R., for the year ending June 30, 1906—(Continued).

Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.?	What are the prospects for the future?
..	\$130 00	\$80 00	\$500 00	\$100 00	Yes...	No...	Good.
..	137 00		97 82		No...	No...	Fair.
..	237 00	27 00	33 46	100 00	Yes...	No...	Fair.
..	69 67	21 00	55 00	500 00	Yes...	Yes...	Good.
..	3 50		317 78	1,000 00	No...	No...	Excellent.
..		750 00	74 59	500 00	Yes...	Yes...	Good.
..	857 00	568 22	468 80	50 00	No...	No...	Fair.
..			175 00	10 00	Yes...	No...	Fair.
..	5,531 33	325 00	5,516 66	600 00	Yes...	Yes...	Good.
..		149 55	5,185 00	850 00	Yes...	Yes...	Good.
..			268 72	200 00	No...	No...	Good.
..		1,025 00		500 00	No...	No...	Fair.
..	282 06	890 61	701 38	1 150 00	Yes...	Yes...	Good.
..			18 46	100 00	Yes...	No...	Good.
..		180 00	72 02	400 00	No...	No...	Fair.
..			135 14	300 00	Yes...	No...	Good.
..			161 89	300 00	No...	No...	Good.
..			98 00	12 00	No...	No...	Good.
..		135 00	373 55	1,800 00	Yes...	Yes...	Excellent.
..		432 65	965 59	200 00	Yes...	Yes...	Good.
..	194 07	2 65	86 61	150 00	No...	No...	Good.
..	53 46		86 01	110 00	Yes...	Yes...	Good.
..			56 75	40 00	No...	No...	Good.
..	300 00	154 00	304 19	200 00	Yes...	Yes...	Good.
..	76 71		143 30	75 00	No...	No...	Good.
..	103 00	18 00	185 00	25 00	No...	No...	Fair.
..			26 59	300 00	Yes...	No...	Good.
..		80 00	25 38	375 00	No...	No...	Good.
..	98 00	98 00	351 45	300 00	Yes...	No...	Good.
..			67 44	500 00	Yes...	No...	Good.
..		10 00	83 00	350 00	No...	No...	Good.
..			61 38		Yes...	No...	Fair.
..		200 00	10 75	599 62	Yes...	No...	Fair.
..		150 00	34 00	50 00	Yes...	No...	Good.
..			18 25	200 00	Yes...	No...	Good.
..		50 00	35 00	100 00	No...	Yes...	Fair.
..		6 00	62 88	50 00	Yes...	No...	Fair.
..	1,379 99	920 71	768 95	800 00	No...	Yes...	Good.
..	50 00	25 00	30 50	100 00	No...	No...	Fair.
..				15 00	No...	No...	Poor.
..	03	200 39	157 60	300 00	No...	No...	Good.
..	162 83	667 34	296 48	53 78	No...	No...	Good.
..		86 25	28 35	200 00	No...	Yes...	Good.
..			331 14	10 00	No...	Yes...	Good.
..	28 27	24 48	146 15	100 00	Yes...	No...	Fair.
..	150 00	137 00	36 00	100 00	No...	No...	Good.
..	260 69	50 16	613 76	300 00	No...	Yes...	Good.
..			180 00	75 00	No...	No...	Fair.
..							
..	373 06	325 00	729 08	3,330 57	Yes...	No...	Excellent.
..				200 00	Yes...	No...	Fair.
..	16 39	10 00	22 04	132 04	Yes...	No...	Fair.
..		140 00	198 26	250 00	No...	No...	Good.
..	58 00	30 00	25 00	800 00	No...	No...	Good.
..		277 00	556 60	200 00	Yes...	Yes...	Good.
..	109 38		145 00	100 00	No...	No...	Good.
..					No...	No...	Bad.
..		20 00	22 03	1,896 11	No...	Yes...	Fair.
..		93 70	217 00		No...	No...	Good.
..			191 00	100 00	No...	No...	Good.

222 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Annual Report of the Inspector of the Department of New York,

NAME OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and filed?
James A. Garfield.....	193	52	Yes	Partly.	Partly.	Fair	Fair	Yes	Yes
A. Allen.....	194	77	Yes	No	No	Yes	Yes	Yes	Yes
Revere.....	195	28	Yes	No	No	Yes	Yes	Yes	Yes
Edward E. Breed.....	196	31	Yes	No	No	Yes	Yes	Yes	Yes
Winchester.....	197	117	Yes	Yes	Yes	Yes	Yes	Yes	Yes
M. H. Barclay.....	198	15	Yes	No	No	Yes	Yes	Yes	Yes
Eldridge.....	199	26	Yes	No	No	Yes	Yes	Yes	Yes
G. D. Bailey.....	200	153	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Genl. Smith.....	201	12	Yes	Partly.	Partly.	Yes	Yes	Yes	Yes
James Aver.....	202	47	Yes	Partly.	Partly.	Yes	Yes	Yes	Yes
William McKinley.....	203	15	Yes	Yes	Yes	Yes	Yes	Yes	Yes
D. S. Corbin.....	204	27	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Radcliff.....	205	28	Yes	Yes	Yes	Yes	Yes	Yes	Yes
T. S. Dakin.....	206	73	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Wm. Lloyd Garrison.....	207	113	Yes	Yes	Yes	Yes	Yes	Yes	Yes
McMahon.....	208	40	Poor	No	No	Yes	Yes	Yes	Yes
Ben. Marvin.....	209	86	Yes	No	No	Yes	Yes	Yes	Yes
R. J. Clark.....	210	36	Yes	No	No	Fair	Yes	Yes	Yes
E. A. Slocum.....	211	20	Yes	Partly.	Partly.	Yes	Yes	Yes	Yes
Eltinge.....	212	36	Yes	Partly.	Partly.	Yes	Yes	Yes	Yes
P. W. Pangburn.....	213	33	Yes	Partly.	Partly.	Yes	Yes	Yes	Yes
Marsh.....	214	55	Yes	No	No	No	Yes	Yes	Yes
J. R. Tappen.....	215	44	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Seth N. Hedges.....	216	111	Yes	Yes	Yes	Yes	Yes	Yes	Yes
A. J. Barney.....	217	30	Yes	No	No	Yes	Yes	Yes	Yes
Torbert.....	218	19	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Rowley P. Taylor.....	219	35	Yes	Yes	Yes	Yes	Yes	Yes	Yes
H. T. Newhall.....	220	90	Yes	No	No	Yes	Yes	Yes	Yes
Fletcher.....	221	24	Yes	No	No	Yes	Yes	Yes	Yes
G. D. Bayard.....	222	116	Yes	Yes	Yes	Yes	Yes	Yes	Yes
W. A. Munson.....	223	20	Yes	No	No	Yes	Yes	Yes	Yes
M. A. Upton.....	224	14	Fair	Fair	Fair	Fair	Yes	Yes	Yes
Sheridan Crandall.....	225	30	Yes	No	No	Yes	Fair	Fair	Fair
Doty.....	226	126	Yes	Yes	Yes	Yes	Yes	Yes	Yes
N. B. Hincley.....	227	39	Yes	No	No	Yes	Yes	Yes	Yes
McCollum.....	228	19	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Garfield.....	229	18	Yes	Partly.	Partly.	Yes	Yes	Yes	Yes
G. and C. Robinson.....	230	8	Yes	No	No	Fair	Yes	Yes	Yes
Cushing.....	231	52	Yes	Yes	Yes	Yes	Fair	Yes	Yes
H. Van Arnam.....	232	31	Yes	Partly.	Partly.	Yes	Yes	Yes	Yes
Brooklyn City.....	233	32	Yes	Yes	Yes	Yes	Yes	Yes	Yes
John A. Andrew.....	234	85	Yes	Yes	Yes	Yes	Yes	Yes	Yes
H. H. Cutler.....	235	22	Yes	No	No	Yes	Yes	Yes	Yes
Cady.....	236	56	Yes	No	No	Yes	Yes	Yes	Yes
Burnside.....	237	24	Yes	Partly.	Partly.	Yes	Fair	Yes	Yes
Buford.....	238	33	Yes	No	No	No	Yes	Yes	Yes
Albert J. Myer.....	239	106	Fair	Yes	Yes	No	Yes	Yes	Yes
R. E. Harns.....	240	23	Yes	No	No	Fair	No	Yes	Yes
Hatch.....	241	33	Yes	No	No	Yes	Fair	Yes	Yes
Col. Sammons.....	242	40	Yes	No	No	Yes	Yes	Yes	Yes
J. M. Hutchinson.....	243	12	Yes	No	No	Yes	Yes	Yes	Yes
Elliott.....	244	10	No	No	No	No	Yes	Yes	Yes
Williams.....	245	27	Yes	No	No	No	Yes	Yes	No
Fuller.....	246	23	Yes	Yes	Yes	Fair	No	Yes	Yes
H. C. Gardner.....	247	50	Yes	Yes	Partly.	Yes	Fair	Yes	Yes
General Barry.....	248	69	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cassius Moran.....	249	15	Yes	No	No	Yes	Yes	Yes	Yes
J. E. Mix.....	250	33	Yes	No	No	Yes	Yes	Yes	Yes
D. H. Becker.....	251	40	Yes	Partly.	Partly.	Yes	Yes	Yes	Yes
Alfred Weed.....	252	17	Yes	No	No	Yes	Yes	Yes	Yes
S. S. Olney.....	253	10	Yes	No	No	Yes	Yes	Yes	Yes
Wm. Richardson.....	254	98	Fair	Yes	Yes	Fair	Fair	Yes	Yes
Thad Stevens.....	255	42	Yes	Yes	Yes	Yes	Fair	Yes	Yes
Weldon.....	256	20	Yes	Partly.	Partly.	Yes	Yes	Yes	Yes

G. A. R., for the year ending June 30, 1906—(Continued).

Have all reports and taxes been forwarded?	Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.?	What are the prospects for the future?
Yes.	No.			\$29 69	\$200 00	No.	No.	Good.
Yes.	Yes.	\$58 23	\$44 49	85 61	700 00	Yes.	No.	Good.
Yes.	Yes.	120 00		120 00	50 00	No.	No.	Good.
Yes.	Yes.	9 37		68 47		No.	No.	Good.
Yes.	No.		140 00	212 58	500 00	No.	No.	Excellent.
Yes.	No.			25 00	20 00	No.	No.	Fair.
Yes.	No.		10 00	86 23		No.	No.	Good.
Yes.	No.		14 50	146 83	966 16	No.	Yes.	Good.
Yes.	No.			40 00	15 00	No.	No.	Fair.
Yes.	No.		19 50	599 94	498 37	2 Circles	No.	Good.
Yes.	No.			10 80	25 00	No.	No.	Excellent.
Yes.	No.			25	250 00	Yes.	No.	Good.
Yes.	No.			50 00	100 00	No.	No.	Good.
Yes.	No.		495 00	1,355 74	500 00	Yes.	No.	Good.
Yes.	No.		338 00	2 24	200 00	Yes.	Yes.	Good.
Yes.	No.			60 00	75 00	No.	No.	Good.
Yes.	Yes.	177 60	561 56	201 31	150 00	Yes.	No.	Good.
Yes.	No.			157 35	175 00	No.	No.	Fair.
Yes.	No.			2 82	1 50	Yes.	No.	Good.
Yes.	Yes.	55 95	6 93	275 96	200 00	No.	No.	Good.
Yes.	No.		5 00	10 29	200 00	Yes.	No.	Good.
Yes.	No.			19 18	20 00	Yes.	No.	Bad.
Yes.	No.		232 86	65 29		No.	No.	Good.
Yes.	No.		200 00	294 60	75 00	No.	No.	Good.
Yes.	Yes.	2 03	40	51 95	8,150 00	Yes.	No.	Poor.
Yes.	No.			54 19	25 00	No.	No.	Fair.
Yes.	Yes.	226 00	125 00	256 00	250 00	Yes.	No.	Good.
Yes.	No.					No.	No.	Good.
Yes.	No.		32 00	1 32		No.	No.	Good.
Yes.	Yes.	1,000 00	900 00	949 79	50 00	Yes.	No.	Good.
Yes.	No.					Yes.	Yes.	Fair.
Fair.	No.			3 13	500 00	No.	No.	Fair.
Yes.	No.			6 81	50 00	Yes.	No.	Fair.
Yes.	No.			194 38	300 00	Yes.	No.	Good.
Yes.	No.			13 00	100 00	Yes.	No.	Good.
Yes.	No.			26 81	40 00	No.	No.	Poor.
Yes.	Yes.	15 06	15 00	25 00	160 00	No.	No.	Good.
Yes.	No.				25 00	No.	No.	Fair.
Yes.	Yes.	360 66	72 00	793 20	350 20	Yes.	No.	Good.
Yes.	No.		140 00	53 53	53 00	No.	No.	Good.
Yes.	No.		5 00	43 30	169 50	No.	No.	Good.
Yes.	No.		139 00	191 45	100 00	Yes.	No.	Good.
Yes.	Yes.	34 94		154 41	242 48	Yes.	No.	Good.
Yes.	Yes.	400 00	380 00	42 69	300 00	No.	Yes.	Good.
Yes.	No.			6 82	50 00	No.	No.	Fair.
Yes.	No.			34 18	500 00	No.	Yes.	Fair.
Yes.	No.			351 03	200 00	No.	No.	Good.
Yes.	No.			35 60	250 00	Yes.	No.	Fair.
Yes.	No.			30 00	1,100 00	Yes.	No.	Good.
Yes.	Yes.	64 96	226 82	538 16	300 00	Yes.	No.	Good.
Yes.	Yes.	24 13	20 80	9 33	25 00	No.	No.	Good.
No.	No.					No.	No.	Bad.
Yes.	No.			73	100 00	No.	No.	Fair.
Yes.	No.			10 21	50 00	No.	No.	Good.
Yes.	No.			12 45	104 00	Yes.	No.	Good.
Yes.	No.			58 00	500 00	No.	No.	Good.
Yes.	Yes.	7 00	95 00	7 00	300 00	Yes.	No.	Fair.
Yes.	No.			6 67	100 00	No.	No.	Good.
Yes.	No.			60 00	50 00	No.	Yes.	Good.
Yes.	No.			5 00	50 00	No.	No.	Good.
Yes.	Yes.	59 28	224 74	537 08		No.	No.	Fair.
Yes.	No.			250 50	2,500 00	Yes.	No.	Good.
Yes.	Yes.	75 21	208 00	2 50	250 00	Yes.	No.	Fair.
Yes.	No.			44 78	30 00	No.	No.	Fair.

224 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Annual Report of the Inspector of the Department of New York,

NAME OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and acted?
M. McMartin.....	257	36	Yes	No	No	Yes	Yes	Yes	Yes
Sidney C. Hayes.....	258	19	Yes	No	Partly	Yes	Yes	Yes	Yes
W. S. Hancock.....	259	67	Yes	Yes	Yes	Yes	Yes	Yes	Yes
L. Dwight Allen.....	260	28	Yes	No	No	Yes	Yes	Yes	Yes
Hakes.....	261	17	Yes	No	No	Yes	Yes	Yes	Yes
Sidney C. Gaylord.....	262	13	Yes	No	No	Yes	Yes	Yes	Yes
A. N. Baldwin.....	263	13	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Giles.....	264	64	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bentley.....	265	16	Yes	No	No	Yes	Yes	Yes	Yes
Gen. Lyon.....	266	158	Yes	Partly	Partly	Yes	Yes	Yes	Yes
H. E. Howard.....	267	37	Yes	Yes	Yes	Yes	Yes	Yes	Yes
D. B. Sackett.....	268	19	Yes	Partly	Partly	Yes	Yes	Yes	Yes
E. B. Steel.....	269	80	Yes	Partly	Partly	Yes	Yes	Yes	Yes
J. H. Martindale.....	270	61	Yes	No	No	Yes	Yes	Yes	Yes
D. F. Schenck.....	271	91	Yes	Partly	Partly	Yes	Yes	Yes	Yes
A. L. Brooks.....	272	41	Yes	No	No	Yes	Yes	Yes	Yes
Piper.....	273	17	Yes	No	No	Yes	Yes	Yes	Yes
Edwin Rose.....	274	19	Yes	Yes	No	Yes	Yes	Yes	Yes
Thomas Farr.....	275	19	Yes	No	No	Yes	Yes	Yes	Yes
W. W. Hoyt.....	276	62	Yes	Partly	Partly	Yes	Yes	Yes	Yes
J. B. Rathburn.....	277	30	Yes	No	No	Yes	Yes	Yes	Yes
Moses Summers.....	278	68	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Carroll.....	279	56	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fleming.....	280	21	Yes	No	Partly	Yes	Yes	Yes	Yes
Lewis S. Payne.....	281	22	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sturdevant.....	282	24	Yes	No	No	Yes	Yes	Yes	Yes
Benjamin Ringold.....	283	38	Yes	Yes	Yes	Yes	Yes	Yes	Yes
W. D. Brennan.....	284	117	Yes	Yes	Partly	Yes	Yes	Yes	Yes
James M. Brown.....	285	191	Yes	Partly	Partly	Yes	Yes	Yes	Yes
G. K. Warren.....	286	137	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bella Rich.....	287	12	Yes	No	No	Yes	Yes	Yes	Yes
E. J. Tyler.....	288	24	Yes	Yes	Partly	Yes	Yes	Yes	Yes
McKean.....	289	38	Yes	No	No	Yes	Yes	Yes	Yes
Philip Rice.....	290	14	Yes	No	No	Fair	Fair	Yes	Yes
Sweeting.....	291	14	Yes	No	No	Yes	Yes	Yes	Yes
James A. Hall.....	292	25	Yes	Yes	Yes	Yes	Yes	Yes	Yes
W. T. Morgan.....	293	26	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Walter A. Wood.....	294	62	Yes	No	No	Yes	Yes	Yes	Yes
Sheldon.....	295	14	Yes	No	No	Yes	Yes	Yes	Yes
Seth H. Weed.....	296	39	Yes	No	Partly	Yes	Yes	Yes	Yes
D. T. Wiggins.....	297	44	Yes	Partly	Partly	Partly	Partly	Yes	Yes
David Jones.....	298	16	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Upton.....	299	72	Yes	Yes	Yes	Yes	Yes	Yes	Yes
H. H. Vebber.....	300	36	Yes	Partly	Fair	Fair	Yes	Yes	Yes
W. A. Jackson.....	301	59	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Crosby.....	302	31	Yes	Yes	Yes	Yes	Yes	Yes	Yes
C. R. Lilly.....	303	19	Yes	No	No	Yes	Yes	Yes	Yes
Bullock.....	304	19	Yes	No	No	Yes	Yes	Yes	Yes
Vacant.....	305								
G. W. Flower.....	306	33	Yes	Partly	Partly	Fair	Fair	Yes	Yes
E. D. Morgan.....	307	89	Yes	Yes	Yes	Fair	Fair	Yes	Yes
E. F. Carpenter.....	308	32	Yes	Partly	Partly	Yes	Yes	Yes	Yes
John McKie.....	309	25	Yes	No	No	Yes	Yes	Yes	Yes
Capt. Fancher.....	310	14	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Garrett.....	311	31	Yes	No	No	Yes	Yes	Yes	Yes
James Kane.....	312	33	Yes	No	No	Yes	Yes	Yes	Yes
Peter Cooper.....	313	91	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Theodore Schlick.....	314	26	Yes	No	No	Yes	Yes	Yes	Yes
W. S. Austin.....	315	17	Yes	No	No	Yes	No	Yes	Yes
B. C. Butler.....	316	31	No	No	Fair	Fair	Yes	Yes	Yes
J. C. Drake.....	317	19	Yes	No	No	Fair	Fair	Yes	Yes
Vacant.....	318								
Vacant.....	319								

I. R., for the year ending June 30, 1906—(Continued).

Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.?	What are the prospects for the future?
es.		\$160 00	\$56 04	\$250 00	Yes.	No.	Good.
es.	\$50 00		114 78	50 00	No.	No.	Good.
es.		280 00	186 69	500 00	Yes.	No.	Good.
es.		76 80	230 70		No.	No.	Good.
es.			15 00	50 00	No.	No.	Good.
es.	50 00	43 70	8 00	30 00	No.	No.	Good.
es.			45 00	30 00	No.	No.	Fair.
es.	4,246 79	540 31	5,081 93	500 00	No.	No.	Good.
es.			20 52	50 00	No.	No.	Fair.
es.	412 66	851 88	800 00	1,212 66	No.	No.	Good.
es.	200 00	10 00	580 00		Yes.	No.	Good.
es.			14 96	30 00	No.	No.	Good.
es.		25 00	81 03	150 00	Yes.	No.	Good.
es.			59 95	150 00	No.	No.	Excellent.
es.	700 00	400 00	140 10	275 00	Yes.	Yes.	Good.
es.			9 20	50 00	No.	No.	Good.
es.			14 00		No.	No.	Fair.
es.		225 00	74 69		No.	No.	Fair.
es.		10 00	40 00	200 00	Yes.	Yes.	Good.
es.		30 00	65 23	350 00	Yes.	Yes.	Good.
es.			6 91	100 00	Yes.	No.	Good.
es.			26 90	300 00	Yes.	No.	Good.
es.	20 18	65 00	99 10	912 22	Yes.	No.	Good.
es.			182 65	100 00	No.	No.	Good.
es.	27 50	12 75	79 23	2,000 00	Yes.	No.	Good.
es.			7 09	60 00	No.	No.	Good.
es.		57 50	105 65	250 00	Yes.	No.	Excellent.
es.			312 23	800 00	Yes.	No.	Good.
es.		1,809 42	147 67	10,000 00	Yes.	No.	Excellent.
es.		163 00	438 00	400 00	Yes.	Yes.	Excellent.
es.	100 00	50 00	61 43	50 00	No.	No.	Fair.
es.				100 00	No.	No.	Good.
es.	10 00		27 51	800 00	No.	No.	Good.
es.		200 00	50 00	50 00	Yes.	No.	Good.
es.					No.	No.	Bad.
es.	36 72	2 77	53 14	200 00	Yes.	No.	Good.
es.	68 25		115 72	225 00	No.	No.	Fair.
es.	164 80	495 00	864 80	1,000 00	Yes.	No.	Good.
es.			80 00	15 00	Yes.	No.	Poor.
es.		315 00	20 00	20 00	No.	No.	Good.
es.	4 30	15 00	34 94	180 00	Yes.	No.	Fair.
es.		5 00	2 93	76 93	No.	No.	Fair.
es.	181 44	389 55	460 87	400 00	Yes.	Yes.	Good.
es.			32 53	25 00	Yes.	No.	Fair.
es.	4 49	194 40	76 18	200 00	Yes.	No.	Good.
es.				40 00	No.	No.	Good.
es.				25 00	No.	No.	Good.
es.			14 65	20 00	No.	No.	Good.
es.		139 38	25 00	300 00	Yes.	No.	Good.
es.	2,938 41	325 00	2,969 33	600 00	No.	No.	Good.
es.			2 36	100 00	Yes.	No.	Good.
es.	44 28	22 40	171 00	300 00	No.	No.	Good.
es.		3 00	105 00	350 00	Yes.	No.	Good.
es.	31 00		108 10	76 57	No.	No.	Good.
es.		50 00	47 52	400 00	Yes.	Yes.	Good.
es.			1,054 76	30 00	No.	No.	Good.
es.			40 96	50 00	No.	No.	Good.
es.	60 00	21 00	46 45	520 00	No.	No.	Bad.
es.			17 41	150 00	Yes.	Yes.	Good.
es.			5 17		No.	No.	Good.

Annual Report of the Inspector of the Department of New York,

NAME OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and filed?
John Hance.....	320	20	Yes...	Partly.	Partly..	Yes...	Yes...	Yes...	Yes...
Vacant.....	321	18	Yes...	No...	No...	Fair...	Fair...	Yes...	Yes...
Matherson.....	322	101	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Joe. Spratt.....	323	23	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Wm. Sackett.....	324	17	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Charles T. Harris.....	325	32	Yes...	No...	No...	Fair...	Fair...	Yes...	Yes...
A. M. Cook.....	326	304	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
U. S. Grant.....	327	25	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Vacant.....	328	56	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Phillips.....	329	58	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Adam Goss.....	330	19	Partly.	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
D. B. Sleight.....	331	16	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Wesley Rolfe.....	332	20	Yes...	No...	No...	Fair...	Fair...	Yes...	Yes...
Sawyer.....	333	38	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Vacant.....	334	58	Yes...	No...	No...	Yes...	Fair...	Yes...	Yes...
Low Washburn.....	335	21	Yes...	Partly.	Partly.	Yes...	Yes...	Yes...	Yes...
Dexter.....	336	29	Partly.	Partly.	Fair...	Fair...	Yes...	Yes...	Yes...
Vacant.....	337	11	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
John A. Griswold.....	338	18	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Vacant.....	339	34	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
E. A. Knapp.....	340	94	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
P. H. Catlin.....	341	32	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Belden.....	342	20	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Hall.....	343	35	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Vacant.....	344	17	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Vacant.....	345	20	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
H. T. Martyn.....	346	35	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
J. E. Purvis.....	347	17	Fair...	No...	No...	Yes...	Yes...	Yes...	Yes...
Vacant.....	348	22	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
C. L. Skeels.....	349	61	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Whittlessey.....	350	121	Yes...	Partly.	Partly.	Yes...	Yes...	Yes...	Yes...
B. O. Bailey.....	351	68	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
J. S. Stone.....	352	17	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Edward Hunting.....	353	22	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Ransom.....	354	22	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
E. T. Tefft.....	355	67	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Alonzo Smith.....	356	17	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Rust.....	357	20	Fair...	Fair...	Fair...	Fair...	Fair...	Fair...	Fair...
Joseph Jones.....	358	12	Fair...	Fair...	Fair...	Fair...	Fair...	Fair...	Fair...
Darby.....	359	44	Yes...	No...	Yes...	Fair...	Fair...	Yes...	Yes...
Joseph K. Barnes.....	360	31	Yes...	Partly.	Partly.	Yes...	Yes...	Yes...	Yes...
Stebbins.....	361	16	Fair...	No...	No...	No...	No...	Yes...	Yes...
Geo. Ricard.....	362	49	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
H. L. Aldrich.....	363	41	Yes...	Partly.	Partly.	Yes...	Yes...	Yes...	Yes...
S. G. Button.....	364	13	Yes...	Partly.	Partly.	Fair...	No...	Yes...	Yes...
Daniel L. Downing.....	365	25	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
W. H. Benedict.....	366	67	Yes...	Partly.	Partly.	Yes...	Yes...	Yes...	Yes...
Melzar Richards.....	367	54	Partly.	Partly.	Yes...	Yes...	Yes...	Yes...	Yes...
Alfred M. Wood.....	368	46	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Lewis Gates.....	369	31	Yes...	No...	No...	Yes...	Fair...	Yes...	Yes...
Duncan Lendrum.....	370	26	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Vacant.....	371	50	No...	No...	Yes...	Yes...	Yes...	Yes...	Yes...
W. W. Angle.....	372	24	Fair...	Partly.	Yes...	Yes...	Yes...	Yes...	Yes...
Oliver McAllister.....	373	37	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
S. Cannon.....	374	15	Yes...	No...	No...	Fair...	No...	Yes...	Yes...
Vacant.....	375	21	No...	No...	No...	No...	No...	No...	No...
W. E. Hunt.....	376	40	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
S. L. Judd.....	377	19	No...	No...	No...	Yes...	Yes...	Fair...	Yes...
Chas. Lawrence.....	378	73	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Avignon.....	379	62	Yes...	Yes...	Partly.	Partly.	Yes...	Yes...	Yes...
Sherwood.....	380	24	Yes...	Yes...	Partly.	Yes...	Fair...	Yes...	Yes...
D. A. Cooper.....	381								
E. S. Gilbert.....	382								

G. A. R., for the year ending June 30, 1906—(Continued).

Have all reports and taxes been forwarded?	Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.?	What are the prospects for the future?
Yes....	No....			\$24 63	\$258 00	No....	No....	Good.
Yes....	Yes....	\$53 00	\$66 50	258 40	200 00	Yes....	No....	Good.
Yes....	Yes....	325 88	26 00	463 37	1,500 00	Yes....	Yes....	Good.
Yes....	Yes....	43 81	4 75	187 67	250 00	No....	No....	Good.
Yes....	No....			17 84	237 00	No....	No....	Fair.
Yes....	No....			63 73		Yes....	No....	Fair.
Yes....	Yes....	7,544 40	966 75	7,298 00	4,000 00	Yes....	No....	Excellent
Yes....	No....			1,295 00	4,000 00	Yes....	No....	Good.
Yes....	Yes....	3,755 40	290 00	3,755 40	1,000 00	No....	No....	Good.
Yes....	No....		87 99	444 21	200 00	Yes....	Yes....	Good.
Yes....	No....			178 50	25 00	Yes....	No....	Good.
Yes....	No....			44 88	40 00	Yes....	No....	Good.
Yes....	Yes....	17 15	8 12	9 03		No....	No....	Fair.
Yes....	No....			250 00	2,000 00	Yes....	Yes....	Good.
Yes....	No....		300 00	628 40	650 00	No....	No....	Good.
Yes....	No....			1 79	10 00	No....	No....	Fair.
Yes....	Yes....	34 00	16 00	125 00	150 00	Yes....	No....	Fair.
Yes....	No....			10 00	200 00	No....	No....	Poor.
Yes....	No....			6 93	150 00	No....	No....	Fair.
Yes....	No....			56 52	300 00	Yes....	No....	Good.
Yes....	No....		64 00	11 68	60 00	No....	No....	Fair.
Yes....	Yes....	12 74	11 00	83 08	25 00	No....	No....	Good.
Yes....	No....			1 70		No....	No....	Good.
Yes....	No....			616 78		Yes....	No....	Good.
Yes....	No....			244 92		Yes....	No....	Good.
Yes....	Yes....	245 22		531 84	343 00	No....	No....	Good.
Yes....	No....			112 43	500 00	No....	No....	Good.
Yes....	Yes....	2,355 52	125 50	2,453 75	500 00	No....	No....	Excellent.
Yes....	No....			5 80	300 00	No....	No....	Fair.
Fair....	No....			12 85		No....	No....	Fair.
Fair....	No....			44 40		No....	No....	Poor.
Yes....	No....		125 00	50 00		Yes....	No....	Good.
Yes....	No....		77 81	10 37	378 42	Yes....	No....	Fair.
Yes....	No....			2,500 00		No....	No....	Poor.
Yes....	No....			55 34	400 00	Yes....	No....	Good.
Yes....	No....			43 99	12 50	No....	No....	Fair.
Yes....	Yes....	399 41	343 41	668 03	100 00	No....	No....	Fair.
Yes....	No....		298 60	106 03	500 00	Yes....	No....	Good.
Yes....	Yes....	19 21	25 23	112 34	341 47	Yes....	No....	Good.
Yes....	Yes....	816 19	530 00	357 55	150 00	No....	No....	Good.
Yes....	No....		50 00	17 50	150 00	No....	Yes....	Good.
Yes....	No....				200 00	No....	No....	Fair.
Yes....	No....		2 00	13 72	100 00	Yes....	Yes....	Good.
Yes....	No....		20 00	29 76	100 00	Yes....	No....	Fair.
Yes....	No....			5 37	50 00	No....	No....	Good.
Yes....	No....		35 00		50 00	No....	No....	Fair.
No....	No....			34 94	250 00	No....	No....	Fair.
Yes....	Yes....	1,425 99	837 25	1,376 14	1,450 00	Yes....	No....	Good.
Yes....	No....			2 88	25 00	No....	No....	Poor.
Yes....	Yes....	35 00	15 00	60 00		Yes....	No....	Good.
Yes....	No....			80 19	275 00	Yes....	Yes....	Good.
Yes....	No....		175 00	16 95	50 00	No....	No....	Good.

Annual Report of the Inspector of the Department of New York,

NAME OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and filed?
Candor.....	383	32	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Vacant.....	384								
G. M. Blatchford.....	385	35	Yes...	No...	No...	Fair...	Fair...	Yes...	Yes...
Nash.....	386	22	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
S. M. Olmstead.....	387	15	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Lewis E. Tew.....	388	26	No...	No...	No...	No...	No...	No...	No...
P. Cook.....	389	16	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Howell.....	390	27	Yes...	Partly...	Partly...	Yes...	Yes...	Yes...	Yes...
Charles J. Powers.....	391	147	Yes...	No...	Partly...	Yes...	Fair...	Yes...	Yes...
A. A. Curtis.....	392	34	Yes...	No...	No...	Yes...	Fair...	Yes...	Yes...
W. O. Stevens.....	393	46	Yes...	Partly...	Partly...	Yes...	Yes...	Yes...	Yes...
Robert Anderson.....	394	37	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Gordon T. Thomas.....	395	22	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Stanton.....	396	43	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
E. G. Marshall.....	397	157	Yes...	Yes...	Partly...	Yes...	Fair...	Yes...	Yes...
J. J. Peck.....	398	26	Fair...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Clarence Mackenzie.....	399	46	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Thurlow Weed.....	400	27	Yes...	No...	No...	Fair...	Fair...	Yes...	Yes...
John E. Sherman.....	401	35	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
John E. Bendix.....	402	31	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
E. D. Holt.....	403	37	Yes...	No...	Partly...	Fair...	Fair...	Yes...	Yes...
Helmer.....	404	48	Yes...	Partly...	Fair...	Yes...	Yes...	Yes...	Yes...
Marshal Segar.....	405	15	Fair...	Fair...	Fair...	Fair...	Fair...	Fair...	Fair...
M. M. Fish.....	406	31	Partly...	No...	No...	No...	No...	Yes...	Yes...
Union.....	407	17	Fair...	No...	No...	Fair...	Fair...	Yes...	Yes...
Fred Hecker.....	408	29	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
I. F. Quinby.....	409	57	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Albert Dennis.....	410	41	Yes...	Partly...	Partly...	No...	No...	Yes...	Yes...
Vacant.....	411								
W. Fuller.....	412	20	Fair...	No...	No...	No...	Fair...	Yes...	Yes...
A. W. Wood.....	413	27	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Wing.....	414	12	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
A. Hooker.....	415	27	Yes...	Partly...	Partly...	Yes...	Yes...	Yes...	Yes...
Wilson Dean.....	416	34	Yes...	No...	No...	Yes...	Fair...	Yes...	Yes...
Craig W. Wadsworth.....	417	36	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Isaac Waterbury.....	418	59	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
D. B. Lewis.....	419	14	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Lindley Howell.....	420	16	Yes...	Partly...	Partly...	Yes...	Yes...	Yes...	Yes...
Gibson.....	421	33	Yes...	Yes...	Yes...	Fair...	Fair...	Yes...	Yes...
Latham.....	422	10	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
D. B. Smith.....	423	28	Yes...	Partly...	Partly...	Yes...	Yes...	Yes...	Yes...
James B. Campbell.....	424	31	Yes...	No...	No...	No...	No...	Fair...	Yes...
Hiram Anderson.....	425	48	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Samuel Ackley.....	426	24	Yes...	Partly...	Partly...	Fair...	Fair...	Yes...	Yes...
Woodworth.....	427	27	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
B. Frank Maxson.....	428	32	Yes...	No...	No...	Fair...	Fair...	Yes...	Yes...
John F. Smith.....	429	13	Yes...	Partly...	Partly...	Yes...	Yes...	Yes...	Yes...
Vacant.....	430								
Teller.....	431	38	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
W. B. Ransom.....	432	33	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
A. L. Goodrich.....	433	11	No...	No...	No...	No...	No...	No...	No...
Sherman.....	434	19	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Abel Smith and First Long Island.....	435	137	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Veteran.....	436	76	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
Frita Harrer.....	437	17	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
William S. Avery.....	438	20	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
G. L. Pierce.....	439	18	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
N. L. Swift.....	440	25	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...
E. V. Mayhew.....	441	41	Yes...	Partly...	No...	Fair...	Fair...	Yes...	Yes...
William A. Miles.....	442	18	Yes...	No...	No...	Yes...	Yes...	Yes...	Yes...
Moses F. Odell.....	443	55	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...	Yes...

G. A. R., for the year ending June 30, 1906—(Continued).

Have all reports and taxes been forwarded?	Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.?	What are the prospects for the future?
Yes	No.			\$43 02		No.	No.	Good.
Yes	No.			135 24	\$200 00	No.	No.	Good.
Yes	No.			10 78	25 00	No.	No.	Fair.
Yes	No.			14 97	100 00	Yes.	No.	Good.
Yes	No.					No.	No.	Poor.
Yes	No.			7 11	35 00	No.	No.	Good.
Yes	Yes.	\$40 00		40 00	50 00	No.	No.	Good.
Yes	No.		\$25 00	308 49	200 00	Yes.	Yes.	Good.
Yes	No.		130 00	50 91	50 00	Yes.	No.	Fair.
Yes	No.		73 50	165 22	287 00	Yes.	Yes.	Good.
Yes	No.		280 00	58 38	1,500 00	No.	Yes.	Excellent.
Yes	No.			22 17	25 00	No.	No.	Fair.
Yes	Yes.	255 28	259 90	310 00	500 00	Yes.	No.	Fair.
Yes	No.		16 00	1,051 65	100 00	Yes.	No.	Good.
Yes	Yes.	52 00	17 50	116 00	100 00	No.	No.	Fair.
Yes	Yes.	44 89	110 00	113 79	500 00	No.	No.	Good.
Yes	No.		513 25	135 00	125 00	No.	No.	Good.
Yes	Yes.	13 78	154 97	11 09	50 00	No.	No.	Good.
Yes	Yes.	70 00	500 00	22 00	500 00	No.	No.	Fair.
Yes	No.		12 50	451 31	95 00	No.	No.	Good.
Yes	Yes.	150 00	183 00	300 00		Yes.	No.	Good.
Yes	No.		75	8 00		No.	No.	Fair.
Yes	No.			35 27		No.	No.	Fair.
Yes	No.			4 13	50 00	No.	No.	Fair.
Yes	No.		120 00	585 12	1,500 00	No.	No.	Fair.
Yes	No.		4 04	167 26	150 00	Yes.	No.	Good.
Yes	No.				181 60	No.	No.	Good.
Yes	Yes.	329 21	266 22	73 84	525 00	No.	No.	Fair.
Yes	No.			15 30	1,200 00	Yes.	No.	Good.
Yes	No.					No.	No.	Fair.
Yes	No.			51	85 00	No.	No.	Fair.
Yes	No.			16 68	40 00	No.	No.	Fair.
Yes	Yes.	27 29	272 44	99 80	374 35	Yes.	Yes.	Good.
Yes	No.		27 29	25 00	406 40	Yes.	No.	Good.
Yes	No.					No.	No.	Fair.
Yes	No.				100 00	No.	No.	Good.
Yes	No.			7 26	25 00	No.	No.	Poor.
Yes	No.				25 00	No.	No.	Fair.
Yes	No.			70 68	300 00	No.	No.	Good.
Yes	No.			30 00		No.	No.	Poor.
Yes	Yes.	71 19		95 33	184 50	No.	No.	Good.
Yes	No.			146 66	50 00	No.	No.	Fair.
Yes	No.			7 18	77 77	Yes.	No.	Fair.
Yes	No.			18 00	55 00	No.	No.	Good.
Yes	No.				10 00	No.	No.	Good.
Yes	Yes.	28 21		164 35	25 00	No.	No.	Good.
Yes	No.			50 00	50 00	Yes.	No.	Good.
Yes	No.					No.	No.	Bad.
Yes	Yes.	50 00	130 00	418 04	350 00	Yes.	No.	Good.
Yes	No.		334 00	447 65	925 00	Yes.	No.	Good.
Yes	No.		30 00	468 82	500 00	No.	No.	Good.
Yes	No.		250 00	16 23	35 00	No.	Yes.	Fair.
Yes	No.		1 82	32 62	40 00	No.	No.	Good.
Yes	No.		30 00	41 18	20 00	No.	No.	Good.
Yes	No.			800 00	50 00	Yes.	No.	Good.
Yes	No.			78 71	50 00	No.	No.	Fair.
Yes	No.			23 00		No.	No.	Poor.
Yes	No.			198 21	250 00	No.	No.	Fair.

230 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

Annual Report of the Inspector of the Department of New York,

NAME OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and filed?
J. B. Burrud.....	444	22	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
A. J. Chestnut.....	445	22	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Ellis Grant.....	446	9	Fair.	No.	No.	Yes.	Yes.	Yes.	Yes.
Hannibal.....	447	30	Yes.	No.	Yes.	Yes.	Yes.	Yes.	Yes.
Searle.....	448	27	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
J. H. McPherson.....	449	7	Fair.	Fair.	Fair.	Fair.	Fair.	Fair.	Fair.
Geo. S. Bradley.....	450	11	Yes.	No.	No.	Fair.	Fair.	Fair.	Fair.
Adam Wirth.....	451	19	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
P. S. Gilmore.....	452	20	Yes.	Yes.	Yes.	Yes.	No.	Yes.	Yes.
N. F. Weir.....	453	13	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Maxwell.....	454	11	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
F. E. Pierce.....	455	65	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
J. E. Parce.....	456	25	Yes.	Partly.	Partly.	Fair.	Fair.	Yes.	Yes.
Saunders.....	457	26	Yes.	Partly.	Partly.	Partly.	Fair.	Yes.	Yes.
Noah L. Farnham.....	458	84	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Mark L. Scoville.....	459	35	Yes.	No.	No.	Fair.	Fair.	Yes.	Yes.
Vacant.....	460								
Walter C. Hull.....	461	52	Yes.	No.	No.	Yes.	Fair.	Yes.	Yes.
D. Robbins.....	462	10	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
McGregor.....	463	15	Yes.	Partly.	Partly.	No.	No.	Fair.	No.
Dawson.....	464	13	Yes.	Partly.	Partly.	Yes.	Yes.	Yes.	Yes.
Vacant.....	465								
Cornwell.....	466	36	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Obed Wheeler.....	467	22	Yes.	Yes.	No.	Fair.	Fair.	Yes.	Yes.
Geo. A. Rich.....	468	34	Yes.	Partly.	Partly.	Yes.	Yes.	Yes.	Yes.
Logie.....	469	18	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
M. M. Brundage.....	470	26	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Bolton.....	471	42	Yes.	No.	No.	Fair.	Fair.	Yes.	Yes.
W. W. Cook.....	472	30	Yes.	Yes.	No.	No.	Yes.	Fair.	Yes.
Sanford.....	473	12	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Howard.....	474	24	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
John W. Davis.....	475	13	Partly.	Partly.	Partly.	Yes.	Yes.	Yes.	Yes.
William H. Tarbell.....	476	22	Yes.	No.	No.	Fair.	Fair.	Yes.	Yes.
John A. Logan.....	477	64	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Chester Bishop.....	478	24	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Vacant.....	479								
Gilbert Thomas.....	480	16	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Edward Seaman.....	481	33	Yes.	Partly.	Partly.	Yes.	Yes.	Yes.	Yes.
J. Parsons Stone.....	482	76	Yes.	Yes.	No.	Yes.	Yes.	Yes.	Yes.
John Plaskett.....	483	62	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
C. D. Beaumont.....	484	21	Fair.	Partly.	Partly.	Fair.	Fair.	Yes.	Yes.
Vacant.....	485								
W. H. Long.....	486	70	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Hartshorn.....	487	13	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Geo. G. Pierce.....	488	18	Yes.	No.	No.	Yes.	No.	Yes.	Yes.
Vacant.....	489								
Lennon.....	490	17	No.	No.	No.	No.	No.	Fair.	No.
C. E. Mills.....	491	23	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Hallet.....	492								
Plumb.....	493	27	Yes.	No.	No.	Fair.	Fair.	Yes.	No.
A. A. Hoff.....	494	31	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Ketchum.....	495	13	Yes.	Partly.	Partly.	Yes.	Yes.	Yes.	Yes.
Ward B. Burnett.....	496	44	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
H. F. Mellen.....	497	11	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
J. B. McKean.....	498	21	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
McPherson-Doane.....	499	52	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
B. F. Middleton.....	500	66	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Remington.....	501	22	Fair.	No.	No.	No.	No.	Yes.	Yes.
Wilber Haven.....	502	25	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Vacant.....	503								
Durkee.....	504	14	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Hagadorn.....	505	12	No.	No.	Yes.	No.	No.	Yes.	Yes.
Arthur Smith.....	506	45	Yes.	Yes.	Yes.	Yes.	Fair.	Yes.	Yes.
Marcy.....	507	18	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.

G. A. R., for the year ending June 30, 1906—(Continued).

Have all reports and taxes been forwarded?	Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.	What are the prospects for the future?
Yes	No			\$102 07	\$50 00	Yes	No	Good.
Yes	No		\$18 00		50 00	No	No	Good.
Yes	No					No	No	Fair.
Yes	No			8 58		Yes	No	Fair.
Yes	No					Yes	No	Fair.
Yes	No		92 00	6 70		No	No	Fair.
Yes	Yes	\$50 00	25 00	15 69	105 63	No	No	Fair.
Yes	No			599 88	200 00	Yes	No	Good.
Yes	No		20 00	115 00	200 00	No	No	Poor.
Yes	No			12 75		Yes	No	Poor.
Yes	No			2 12		No	No	Good.
Yes	No			61 42	50 00	Yes	Yes	Good.
Yes	No			54 00	200 00	No	No	Fair.
Yes	No		665 00	5,869 07	600 00	No	No	Good.
Yes	No		135 03	10 28	150 00	Yes	No	Fair.
Yes	No			340 00	100 00	No	Yes	Good.
Yes	No			31 06	100 00	No	No	Poor.
Yes	No			4 50	375 00	No	No	Poor.
Yes	No			88 00	60 00	No	No	Good.
Yes	Yes	500 00	900 00	450 00	600 00	Yes	No	Good.
Yes	No			58 31	53 00	No	No	Fair.
Yes	No			37	100 00	Yes	No	Good.
Yes	Yes	60 31		62 17	150 00	Yes	No	Good.
Yes	Yes	50 09	25 00	30 13	100 00	No	No	Good.
Yes	Yes	150 00	300 00	211 55	800 00	Yes	Yes	Good.
Yes	No			32	50 00	No	No	Barl.
Yes	No			4 97	50 00	No	No	Fair.
Yes	Yes	89 20		92 57	200 00	No	No	Good.
Yes	Yes	25 85	20 00	45 00	141 00	No	No	Good.
Yes	No			35 00	200 00	No	No	Fair.
Yes	No			5 12	40 00	No	No	Good.
Yes	No				150 00	No	No	Good.
Yes	No		300 00	4 47	125 00	Yes	No	Good.
Yes	Yes	124 89		215 94		Yes	No	Good.
Yes	Yes	200 00	200 00	213 47	300 00	No	No	Good.
Yes	Yes	26 74	202 23	39 21	100 00	Yes	No	Fair.
Yes	No			12 04	60 00	No	No	Poor.
Yes	No			30 96	170 00	Yes	Yes	Good.
Yes	No			310 31	100 00	No	No	Good.
Yes	No			6 38	150 00	No	No	Poor.
No	No			1 80	25 00	No	No	Fair.
Yes	No		173 97	2 61	200 00	Yes	No	Good.
Yes	Yes	20 00		23 07	100 00	No	No	Fair.
Yes	No		175 00	8 00	25 00	No	No	Good.
Yes	No		113 82	43 79	100 00	No	No	Good.
Yes	Yes		950 00	663 57	250 00	Yes	No	Good.
Yes	No			6 10	5 00	No	No	Fair.
Yes	No			1 60	25 00	No	No	Good.
Yes	No		61 00	207 43	150 00	No	No	Good.
Yes	Yes	1,848 55	200 00	1,889 34	200 00	No	No	Good.
Yes	No				50 00	No	No	Poor.
Yes	No			322 00	15 00	Yes	No	Fair.
Yes	No			30 00	25 00	No	No	Good.
Yes	No			4 81	500 00	No	Yes	Poor.
Yes	No			49 35	15 00	Yes	No	Fair.
Yes	No		10 00	34 51		No	No	Fair.

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Annual Report of the Inspector of the Department of New York,

NAME OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and filed?
Alanson Crosby.....	508	32	Yes	No	No	Yes	Yes	Yes	Yes
Flandreau.....	509	34	Yes	Yes	Yes	Yes	Yes	Yes	Yes
W. J. Hunt.....	510	15	Yes	No	No	Yes	Yes	Yes	Yes
Vacant.....	511								
N. H. Hebbard.....	512	12	Yes	No	No	No	No	Yes	Yes
Vacant.....	513								
John C. Watson.....	514	48	Yes	No	No	Yes	Yes	Yes	Yes
E. W. Washburn.....	515	32	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Naval.....	516	98	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vacant.....	517								
W. B. Hazen.....	518	54	Yes	No	No	Fair	Poor	Yes	Yes
Gilbert.....	519	11	Yes	No	No	Fair	Fair	Yes	Yes
Vacant.....	520								
John P. Jenkins.....	521	27	Yes	Yes	Partly	Fair	Fair	Yes	Yes
Vacant.....	522								
R. M. Starring.....	523	28	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Richmond.....	524	42	Yes	Yes	Yes	Yes	Yes	Yes	Yes
F. W. Leonard.....	525	27	Yes	Partly	Partly	Yes	Yes	Yes	Yes
James E. Jenkins.....	526	22	Yes	No	No	Yes	Yes	Yes	Yes
D. P. Mott.....	527	46	Yes	No	Yes	Yes	Yes	Yes	Yes
S. C. Dyer.....	528	47	Yes	No	No	Yes	Yes	Yes	Yes
Warwick.....	529	26	Yes	No	No	Yes	Yes	Yes	Yes
W. Dalsell.....	530	19	Yes	No	No	No	Yes	Yes	Yes
William Wood.....	531	18	Yes	Partly	Partly	Yes	Yes	Yes	Yes
James S. Knowlton.....	532	32	Yes	Partly	Fair	Fair	Yes	Yes	Yes
C. F. Hammond.....	533	46	Yes	Yes	Yes	Yes	Yes	Yes	Yes
George C. Strong.....	534	85	Fair	Yes	Yes	Yes	Yes	Yes	Yes
Henry C. Lyon.....	535	28	Yes	Partly	Partly	No	Fair	Fair	Yes
Judson.....	536	16	Yes	Partly	Yes	Yes	Yes	Yes	Yes
Vacant.....	537								
William Gurney.....	538	12	Yes	No	No	Yes	Yes	Yes	Yes
Genl. Logan.....	539	43	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vacant.....	540								
Vacant.....	541								
Elisha E. Hayward.....	542	86	Fair	Yes	Yes	Yes	Yes	Yes	Yes
Isaac Nicoll.....	543	24	Fair	No	No	Yes	Yes	Yes	Yes
M. A. Baldwin.....	544	29	Yes	Partly	Partly	No	No	Yes	Yes
Vacant.....	545								
Emalie.....	546	14	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Jacob Branker.....	547	10	Yes	No	No	Fair	Fair	Yes	Yes
O. H. Tillinghaast.....	548	28	Yes	No	No	Yes	Yes	Yes	Yes
Knox.....	549	26	Yes	No	No	Yes	Yes	Yes	Yes
Vacant.....	550								
Ballard.....	551	26	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Genl. George B. McClellan.....	552	35	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Robert Orr.....	553	10	Yes	No	No	Yes	Yes	Yes	Yes
Vacant.....	554								
Bigham.....	555	10	Yes	No	No	No	No	Yes	Yes
Vacant.....	556								
Gen. James McQuade.....	557	57	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Geo. B. Charette.....	558	31	Yes	No	No	Yes	No	Yes	Yes
W. G. Mitchell.....	559	46	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Robert J. Marks.....	560	31	Yes	Yes	Yes	Yes	Yes	Yes	Yes
William C. White.....	561	11	Yes	No	No	Yes	Yes	Yes	Yes
A. T. Bailey.....	562	31	Yes	Partly	Yes	Yes	Yes	Yes	Yes
A. H. Tanner.....	563	36	Yes	No	No	Yes	Yes	Yes	Yes
Fairchild.....	564	26	Yes	Partly	Partly	Yes	Yes	Yes	Yes
J. H. Warner.....	565	30	Yes	No	No	Yes	Yes	Yes	Yes
Vacant.....	566								
Vacant.....	567								
Vacant.....	568								
H. C. Farmer.....	569	18	Yes	Yes	Yes	Yes	Yes	Yes	Yes

G. A. R., for the year ending June 30, 1906—(Continued).

Have all reports and taxes been forwarded?	Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.?	What are the prospects for the future?
Yes	Yes	\$15 00	\$5 00	\$279 00	\$150 00	Yes	No	Good.
Yes	Yes	625 00	725 00	979 97	200 00	Yes	No	Good.
Yes	No			52 61	200 00	No	No	Good.
Yes	No			3 00	50 00	No	No	Poor.
Yes	Yes	150 00	250 00	478 37	160 00	No	No	Good.
Yes	No		9 75	6 15	257 00	Yes	No	Good.
Yes	No		50 00	37 00	500 00	No	No	Good.
Yes	No			11 62	50 00	No	No	Fair.
Yes	No		1 00	5 00	29 00	No	No	Fair.
Yes	Yes	15 00	92 73	90 00	75 00	No	Yes	Fair
Yes	Yes	54	8 00	29 02	200 00	No	No	Good.
Yes	No		155 00	508 61	166 00	No	Yes	Good.
Yes	No				105 59	Yes	No	Fair.
Yes	Yes	10 00	10 00	48 06	50 00	No	No	Good.
Yes	Yes	73 75	1,100 00	273 75	200 00	No	No	Good.
Yes	No		8 00	29 29	26 00	Yes	No	Fair.
Yes	No			44 43	25 00	No	No	Good.
Yes	No				75 00	No	No	Fair.
Yes	No			110 00	1,200 00	No	No	Good.
Yes	No			398 00	50 00	No	No	Fair.
Yes	No			30 72	100 00	No	No	Good.
Yes	No		165 00	2,406 06	300 00	No	No	Fair.
Yes	Yes	60 84	40 00	61 09	598 51	No	No	Fair.
Yes	Yes	12 24	150 00	6 22		No	No	Fair.
Yes	No			19 00	171 96	No	No	Fair.
Yes	Yes	36 33	10 00	268 68	184 48	No	No	Good.
Yes	No			227 70	300 00	No	No	Good.
Yes	Yes	220 14	91 35	81 50	250 00	No	No	Good.
Yes	Yes	200 00	840 00	100 00	100 00	No	No	Poor.
Yes	Yes	68 00	20 00	12 10	150 00	No	No	Good.
Yes	No			3 26	10 00	No	No	Fair.
Yes	No			43 06	75 00	No	No	Good.
Yes	No		9 30	88 43		No	No	Good.
Yes	Yes			4 30	200 00	Yes	No	Good.
Yes	No		425 00	458 60	250 00	No	No	Fair.
Yes	No			2 00	25 00	No	No	Good.
Yes	No			3 25	48 00	No	No	Poor.
Yes	No		485 00	583 35	500 00	No	No	Excellent.
Yes	No			53 49	25 00	No	No	Good.
Yes	No		145 00		500 00	Yes	Yes	Fair.
Yes	Yes	795 91	410 00	1,015 46	1,400 00	No	No	Good.
Yes	No			7 00	56 36	No	No	Fair.
Yes	No			54 50	40 00	Yes	No	Good.
Yes	Yes	46 49	105 92	71 26	300 00	No	No	Good.
Yes	No		349 00	20 21	1,921 11	No	No	Fair.
Yes	No		20 00	1 30	100 00	Yes	No	Good.
Yes	No			87 32		No	No	Fair.

Annual Report of the Inspector of the Department of New York,

NAME OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and filed?
A. L. McDougall.....	570	33	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Willard Richardson.....	571	17	Yes.	Partly.	Fair.	Yes.	Yes.	Yes.	Yes.
Treman.....	572	17	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
L. B. Potter.....	573	38	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Vacant.....	574								
John J. Wheeler.....	575	23	Yes.	Yes.	Partly.	Fair.	Fair.	Yes.	Yes.
Vacant.....	576								
Vacant.....	577								
H. B. Claffin.....	578	102	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
James B. Jones.....	579	11	Yes.	No.	No.	No.	No.	Yes.	Yes.
E. Swayne Evans.....	580	33	Yes.	Partly.	Partly.	Yes.	Yes.	Yes.	Yes.
W. B. Wait.....	581	25	Yes.	Partly.	Partly.	Fair.	Yes.	Yes.	Yes.
H. H. Beecher.....	582	30	Yes.	No.	No.	No.	No.	Yes.	Yes.
Moses Dennis.....	583	10	Fair.	No.	No.	Yes.	Yes.	Yes.	Yes.
Ira Thurber.....	584	26	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
C. Gardner.....	585	21	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Vacant.....	586								
W. Collin.....	587	58	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
W. T. Sherman.....	588	14	Yes.	No.	No.	Fair.	Fair.	Yes.	Yes.
C Adams.....	589	27	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
John C. Fremont.....	590	42	Yes.	Partly.	Yes.	Yes.	Yes.	Yes.	Yes.
Doyle.....	591	13	Yes.	Partly.	Yes.	Yes.	Yes.	Yes.	Yes.
Ells.....	592	9	Yes.	No.	No.	Fair.	Yes.	Yes.	Yes.
Goodelle.....	593	10	Yes.	Fair.	Fair.	Fair.	Fair.	Fair.	Fair.
R. W. Livingston.....	594	15	Yes.	Fair.	No.	No.	Yes.	Yes.	Yes.
William Pullen.....	595	9	Fair.	Fair.	Fair.	Fair.	Fair.	Fair.	Yes.
LaGrange.....	596	29	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
John B. Murray.....	597	23	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Ryder.....	598	47	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
George Simmons.....	599	12	Yes.	Partly.	Partly.	Yes.	Yes.	Yes.	Yes.
Lloyd Aspinwall.....	600	44	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Vacant.....	601								
Vacant.....	602								
A. & J. Van Nostrand.....	603	23	Yes.	Partly.	Partly.	Yes.	Yes.	Yes.	Yes.
Frank Mann.....	604	39	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Vacant.....	605								
Vacant.....	606								
James Monroe.....	607	50	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Bolster.....	608	32	Yes.	Partly.	Partly.	Yes.	Yes.	Yes.	Yes.
J. Stevenson.....	609	26	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Vacant.....	610								
Vacant.....	611								
Vacant.....	612								
Tracy.....	613	22	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Vacant.....	614								
Joseph H. Warren.....	615	16	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Fair Oaks.....	616	17	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Harry Gridley.....	617	29	Yes.	Partly.	Partly.	Fair.	Fair.	Yes.	Yes.
Vacant.....	618								
E. E. Ellsworth.....	619	52	Yes.	Partly.	Partly.	Fair.	Fair.	Yes.	Yes.
Henry W. Beecher.....	620	26	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
F. M. Bull.....	621	30	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Vacant.....	622								
A. S. Deven.....	623	32	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Cary A. Miner.....	624	15	Yes.	Partly.	No.	Yes.	Yes.	Yes.	Yes.
McNaughton.....	625	13	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Vacant.....	626								
Lewis Z. Conklin.....	627	15	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Sheridan.....	628	36	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
Vacant.....	629								
Gen. P. H. Sheridan.....	630	30	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
Col. Jos. Howland.....	631	23	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.
S. Cornwell.....	632	72	Yes.	No.	No.	Yes.	Yes.	Yes.	Yes.

A. R., for the year ending June 30, 1906—(Continued).

	been forwarded?	Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.?	What are the prospects for the future?
es	Yes.		\$53 25	\$ 95	\$73 73	\$300 00	Yes.	No.	Fair.
es	No.			215 00		50 00	No.	No.	Fair.
es	No.				4 92	300 00	No.	No.	Good.
es	Yes.		90 00	26 20	93 70	150 00	No.	No.	Fair.
es	Yes.			900 00	16 24	100 00	No.	No.	Good.
es	No.			400 00	173 00	500 00	Yes.	No.	Good.
es	No.				25 00	25 00	No.	No.	Poor.
es	No.				31 73	50 00	No.	No.	Good.
es	No.				176 32	25 00	No.	No.	Good.
es	No.				28 66	50 00	No.	No.	Poor.
es	No.				4 69	44 69	No.	No.	Poor.
es	Yes.		1,205 00	813 00	1,154 57	5,000 00	Yes.	Yes.	Good.
es	No.				12 79	250 00	Yes.	No.	Good.
es	Yes.		100 00	50 00	128 71	125 00	Yes.	Yes.	Fair.
es	No.				40 37	75 00	No.	No.	Fair.
es	No.				4 51	40 00	No.	No.	Good.
es	Yes.		18 25		160 00	200 00	No.	No.	Good.
es	No.				36 95	93 70	No.	No.	Good.
es	No.						No.	No.	Fair.
es	No.						No.	No.	Fair.
es	No.				63 33	32 90	No.	No.	Fair.
es	No.				4 31		No.	No.	Fair.
es	Yes.		11		18 06	33 30	Yes.	No.	Poor.
es	Yes.			423 25		100 00	No.	No.	Good.
es	Yes.			298 20	77 29	150 00	No.	No.	Good.
es	No.				3 50	50 00	Yes.	No.	Fair.
es	Yes.		461 04	369 50	821 28	200 00	No.	No.	Excellent.
es	No.				24 98	42 00	Yes.	No.	Fair.
es	No.				44 21	50 00	Yes.	No.	Good.
es	No.				36 46	100 00	Yes.	No.	Good.
es	No.			20 00	26 34	75 00	No.	No.	Good.
es	No.				75 00	40 00	No.	No.	Good.
es	No.								
es	No.				61 44	50 30	No.	No.	Good.
es	Yes.		42 00	27 00	27 40	175 00	No.	No.	Good.
es	Yes.		32 13	17 87	4 76	52 25	No.	No.	Good.
es	No.			52 50	239 64		No.	No.	Good.
es	No.			847 21	2 79	200 00	Yes.	No.	Good.
es	No.				35 10	65 00	Yes.	No.	Fair.
es	No.				7 40	40 00	Yes.	No.	Good.
es	No.				2 43	55 00	No.	No.	Fair.
es	Yes.		39 55	40 43	40 43	50 00	No.	No.	Good.
es	No.			250 00	15 01	100 00	No.	No.	Fair.
es	Yes.		229 80	374 13	238 71	70 00	No.	No.	Good.
es	No.			230 00	343 20	100 00	No.	No.	Good.
es	No.				164 75	300 00	No.	No.	Good.
es	No.						No.	No.	Poor.
es	No.					40 00	No.	No.	Good.

Annual Report of the Inspector of the Department of New York,

NAME OF POST.	Number of Post.	Number of members in good standing.	Is the work in the ritual properly exemplified?	Are the officers and guards properly uniformed and equipped?	Are the members uniformed?	Are the officers regular in their attendance?	Are the members regular in their attendance?	Are the records complete and well kept?	Are orders received regularly and read to the Post and filed?
John P. Buckley.....	633	20	Yes	No	Partly	Yes	Yes	Yes	Yes
W. B. Carpenter.....	634	19	Yes	No	No	Yes	Yes	Yes	Yes
D. W. Kinne.....	635	27	Yes	No	Partly	Yes	Yes	Yes	Yes
John Corning.....	636	29	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Badgero.....	637	30	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vacant.....	638								
Vacant.....	639								
C. M. Pierce.....	640	34	Yes	Yes	Yes	Yes	Yes	Yes	Yes
J. C. Walters.....	641	16	Yes	Yes	Yes	Yes	Yes	Yes	Yes
J. C. Lessen.....	642	9	Yes	Yes	Yes	Yes	Yes	Yes	Yes
H. B. Knickerbocker...	643	14	Yes	No	No	Yes	Yes	Yes	Yes
William A. Jackson...	644	89	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Charles McCulloch.....	645	16	Yes	Partly	Partly	Yes	Yes	Yes	Yes
L. W. Truesdell.....	646	37	Yes	No	No	Yes	Yes	Yes	Yes
Anthony Stacey.....	647	15	Fair	Fair	Fair	Fair	Fair	Fair	Yes
Col. Randall.....	648	11	Yes	No	No	Yes	Yes	Yes	Yes
Gregory.....	649	25	Yes	No	No	No	No	Yes	No
L. A. Hazard.....	650	32	Yes	No	No	No	No	Yes	Yes
H. F. Whipple.....	651	10	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Hanibal Hamblin.....	652	9	No	No	No	No	No	Yes	Yes
H. N. Duroc.....	653	21	Yes	No	No	Yes	Yes	Yes	Yes
Elijah Ward.....	654	22	Yes	Yes	Yes	Yes	Yes	Yes	Yes
W. F. Wickham.....	655	20	Yes	No	No	Yes	Yes	Yes	Yes
H. A. Barnum.....	656	35	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Vacant.....	657								
W. H. Stringer.....	658	15	Yes	No	No	Yes	Yes	Yes	Yes
Charles H. Bentley....	659	28	Yes	No	No	Yes	Yes	Yes	Yes
Tilton.....	660	21	Yes	Yes	Yes	Yes	Yes	Yes	Yes
C. N. Campbell.....	661	18	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Vacant.....	662								
R. D. Pettit.....	663	19	Yes	Partly	Partly	Yes	Yes	Yes	Yes
J. P. Spofford.....	664	20	Yes	Partly	Partly	Yes	Fair	Yes	Yes
S. B. Craig.....	665	26	Yes	No	No	Yes	Yes	Yes	Yes
A. A. Hall.....	666	15	Fair	Fair	Fair	Fair	Fair	Fair	Fair
R. B. Hayes.....	667	28	Yes	Partly	Partly	Yes	Yes	Yes	Yes
Vacant.....	668								
W. W. Stephenson.....	669	25	Fair	Yes	Partly	Yes	Yes	Yes	Yes
Benj. Higgins.....	670	38	Yes	Yes	Partly	Yes	Yes	Fair	Yes
Genl. John E. Wool....	671	15	Yes	Yes	Partly	Yes	Yes	Yes	Yes

G. A. R., for the year ending June 30, 1906—(Concluded).

Have all reports and taxes been forwarded?	Is there a relief fund for charitable purposes?	How much money is in the relief fund?	Total amount expended for relief.	Amount of money and securities in hands of Quartermaster.	Value of other property owned by the Post.	Is there a corps of the W. R. C. connected with the Post?	Is there a camp of the S. of V.?	What are the prospects for the future?
Yes	No.			\$8 43	\$75 00	Yes	No.	Good.
Yes	Yes	\$207 59	\$84 00	123 09		No.	No.	Fair.
Yes	No.	20 00	60 00	79 06	25 00	No.	No.	Fair.
Yes	No.		369 00	187 90	50 00	No.	No.	Good.
Yes	No.			20 00		No.	No.	Poor.
Yes	No.							
Yes	No.		20 00	44 91	100 00	Yes	No.	Good.
Yes	Yes	61 78		650 89	25 00	No.	No.	Good.
Yes	No.					No.	No.	Fair.
Yes	Yes	65 00	185 00	66 08	90 00	No.	No.	Poor.
Yes	No.		6 00	12 75	500 00	Yes	No.	Good.
Yes	No.				65 00	No.	No.	Good.
Yes	No.			99 18	400 00	No.	No.	Good.
Yes	No.		17 50			No.	No.	Fair.
Yes	No.			16 07	200 00	Yes	No.	Fair.
Yes	Yes	50 00	10 00	70 94	95 75	No.	No.	Good.
Yes	No.			4 00	78 00	Yes	No.	Fair.
Yes	No.				300 00	Yes	No.	Good.
Yes	No.					No.	No.	Poor.
Yes	Yes	421 61	363 01	20 00	50 00	No.	No.	Poor.
Yes	No.			421 91	1,000 00	No.	No.	Fair.
Yes	No.			12 00		No.	No.	Good.
Yes	No.			222 59	275 00	No.	Yes	Good.
Yes	Yes	6 29	42 58	59 88		No.	No.	Fair.
Yes	No.		35 40	25 95	120 00	No.	No.	Good.
Yes	No.		28 68	25 95	75 00	Yes	No.	Good.
Yes	No.			3 00	25 00	No.	No.	Good.
Yes	No.							
Yes	Yes	150 00		5 00	25 00	No.	No.	Fair.
Yes	No.			150 00	250 91	No.	No.	Good.
Yes	No.			153 89	130 11	No.	No.	Good.
Yes	No.			10 00		No.	No.	Fair.
Yes	No.		24 50	75 00	75 00	No.	No.	Good.
Yes	No.							
Yes	No.			17 38	800 00	No.	No.	Fair.
Yes	No.			217 21	100 00	Yes	No.	Good.
Yes	No.				50 00	No.	No.	Good.

The Committee to whom this report was referred, subsequently reported favorably thereon and recommended its adoption.

The report was thereupon adopted.

MR. JAMES M. SNYDER, *Commander of the Department of New York, Grand Army of the Republic:*

Dear Sir.—In accordance with the rules of our Order, it is my privilege to extend to you and through you to the Fortieth Annual Encampment of the Grand Army of the Republic, the greetings of the Woman's Relief Corps, Department of New York, now in Twenty-third Annual Convention assembled, and to pledge anew our allegiance to you.

In submitting the following report only the facts which may be put in figures are presented. The timely visits, the words of cheer, the blóssom-strewn graves and the tears of sympathy, all the best and tenderest portion of our labors must forever remain unrecorded.

Total number of members, including the charter lists of three Corps instituted since the last quarter.....	9,529
Cash expended for relief during the year.....	\$3,679 05
Estimated value of relief other than money.....	4,150 97
Turned over to Posts.....	2,303 57
Amount paid from Department Relief Fund to army nurses and soldiers' families.....	200 00
Amount contributed to San Francisco Relief Fund.....	339 73
Total relief	<hr/> \$10,673 32 <hr/>
Amount contributed for Memorial Day in the South.....	\$61 00
Amount for miscellaneous objects.....	73 00
Amount in Relief Fund of all Corps in the Department	2,933 55
Amount in General Fund of all Corps in the Department	13,493 72
Number of soldiers assisted.....	663
Total number in soldiers' families and members' families assisted.....	3,160
Value of Corps property in all funds.....	\$40,600 54

We fully realize the unprecedented privilege that has been accorded to us as an organization in serving the living heroes of one of the grandest struggles in the history of the Nation. Our hearts swell with pride when we witness their magnanimous spirit of forgiveness toward those who espoused the lost cause. This magnanimity has done much toward uniting this Nation, when the call came, into one solid battle-front. For this reason we feel that high above all others in the Temple of Fame should be inscribed the names of the veterans of "'61 to '65."

We are deeply grateful for the honor of our adoption and for the strong bond of fraternity, charity and loyalty that binds us still closer as the years roll on, to the gallant remnant of that magnificent army of young manhood that marched away to battle for the right. When the last veteran has unbuckled his knapsack and laid down to rest beneath the bright stars and broad stripes of our glorious emblem of freedom, then the Woman's Relief Corps will mark his resting place with fragrant garlands and carry on the work of patriotic education so well founded by the Grand Army.

Respectfully submitted in F. C. and L.,

FLORENCE EARLE PAYNE,

Department President.

FLORENCE BELLE PAYNE,

Department Secretary.

The Committee to whom this report was referred, subsequently reported favorably thereon and recommended its adoption.

The report was thereupon adopted.

The Commander.—The next in order is the offering of resolutions:

Comrade Allan C. Blakewell, Post 140.—I wish to offer a resolution calling for some amendments to the Rules and Regulations regarding National patriotic instruction, which I will read. I will just explain briefly, that as to the amendment of the Rules and Regulations which was proposed at the last Department Encampment along the line of patriotic instruction, the Committee of the National Encampment adopted all the recommendations of this Department except the one referring to Post patriotic instructors. They said to me that they would rather

have that lie over until the next National Encampment, as they would like to see the result of what they had adopted and approved of; and it was the tacit understanding that if the work as they had authorized it was successful, then if any State Department chose to have Post Instructors they might do so; so that it seems to be well at the National Encampment this year to have these amendments embodied in the Rules and Regulations.

Whereas, The Rules and Regulations of the Grand Army of the Republic were amended by the Thirty-ninth National Encampment so as to create the additional offices of National Patriotic Instructor and Department Patriotic Instructor, as recommended by the Department of New York, and

Whereas, The further recommendation of this Department, that there should be Post Patriotic Instructors, was modified to the extent of giving authority to appoint such assistants in patriotic instruction as may be deemed necessary to accomplish the best results, and

Whereas, By said authority several large Departments, to wit: Pennsylvania, Massachusetts and Michigan, through their Department Patriotic Instructors did secure the appointment of Patriotic Instructors in the Posts of their respective Departments, and

Whereas, In the opinion of the National Patriotic Instructor the system of Post Patriotic Instructors, so successfully established by the Woman's Relief Corps, is more effective, practicable and useful than the plan of appointing assistants in any other way, therefore, be it

Resolved, That this Department of New York recommend to the forthcoming National Encampment the following amendments to the Rules and Regulations, to wit:

Amend Section 1, Article VI, Chapter 11, by adding after Officer of the Day, a *Patriotic Instructor*.

Amend Section 1, Article VII, Chapter 11, by adding between the words Adjutant and Sergeant-Major in the first line, *Patriotic Instructor*, and before the word Sergeant-Major in the fourth line of the second paragraph of the same section, article and chapter, add *Patriotic Instructor*.



JAMES CAMPBELL,
Senior Aide-de-Camp.

Amend Section V, Article VIII, Chapter 11, by adding *and Patriotic Instructor* after the word *surgeon*, substitute *their* for *his* and *them* for *him*.

Amend Article II, Chapter V, by adding a new section:

"The Patriotic Instructor of each Post, shall through the Post Commander, make a report upon forms obtained from the Assistant Adjutant-General of the Department within thirty (30) days after receiving notice from the Department Commander, and forward the same direct to the Patriotic Instructor of the Department, who shall in turn make a report to the National Patriotic Instructor thirty (30) days prior to the meeting of the National Encampment."

On motion, the rules were suspended and this resolution was adopted.

Comrade M. H. Whalen, Post 313.—I desire to offer the following resolution. This is the most important resolution you will have here to-day.

Comrade Frank Z. Jones, Post 419.—I ask for information: Wasn't there a resolution passed that all resolutions should be read?

The Commander.—That they should be read and referred to the Committee on Resolutions without debate.

Comrade Whalen (Reads).—Whereas Assembly bill number 313 for the retirement of veterans in the civil service of the State of New York, incapacitated by age or physical disability, with a proper allowance of pay, was unanimously approved and endorsed by the Thirty-ninth Annual Encampment of the Department of New York, and

Whereas, the bill passed by both Houses of the last session of the Legislature, but failed to become a law, it is therefore

Resolved, That this Encampment again approves and endorses the provisions of said bill number 313, and directs the incoming Administration, through its Law and Legislative Committee, to present a bill to the same effect for the consideration of the next session of the Legislature when it shall convene.

Comrade Whalen.—I desire to say a few words on behalf of the Department Commander and the Chairman of your Legislative Committee, as to their efforts to have this bill passed; it

will only take five minutes. I want to say that I desire to have due credit given to the Department Commander, James M. Snyder, for the work that he did in having this bill passed; he used all his influence and exercised all the power that he possessed for the purpose of passing it. I also want to say that the Chairman of the Committee on Legislation also deserves credit for having tried to have this bill passed. They both worked night and day to accomplish it; but for some reason the Governor of the State vetoed the bill. We propose to amend the bill to meet the objections of the Governor, and if the Governor is re-elected perhaps he will sign the bill. It is one of the most important bills, or resolutions I should say, that will come before you to-day; because as a matter of fact those who are employed by the City Government are chiefly affected by it; and it is a matter of only a few years at the latest when they will have to be set aside for incapacity to perform their duties properly. There is but one thing open to them; unless they have help they will have to go into some public institution. There are 2,000 veterans employed; and 75 per cent. of them work by day's labor. I want to see you comrades take an active interest in this matter so that this bill may become a law. I hope you will exercise all your influence to save these poor comrades from being put in a public institution, or some other place because they haven't any means of support. And I also want to move the vote of thanks of this Department to Comrade James M. Snyder, Department Commander, and to the Chairman of the Committee on Legislation for their action in relation to the passage of this bill.

January 24, 1906.

To His Excellency, the HONORABLE FRANK W. HIGGINS, *Governor State of New York:*

By section 9 of article V of the Constitution of the State of New York it is provided: "That honorably discharged soldiers and sailors from the Army and Navy of the United States in the late Civil War, who are residents of this State, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section."

The State Civil Service Commission has evinced a disposition to place impediments in the way of the preference in appointment and promotion of veterans of the Civil War as provided by the letter and spirit of the Constitution above quoted.

That on the 5th day of December, a resolution was adopted by the State Civil Service Commission requiring all veterans who apply for positions in the Civil Service to furnish a copy of their application for pension before they could be examined, and thereafter, on the 12th of December, such resolution was rescinded.

That the State Civil Service Commission under date of January 17, 1906, have sent out a blank called "Form E-40" which requires every veteran applying for a position in the Civil Service to state how many applications for pension he has made on account of military service. He is also required to give the date of application, the grounds on which the pension was claimed, whether it was granted or rejected, date and number of pension certificate, amount of pension, grounds for pension as stated in certificate.

The Council of Administration of the Department of New York, Grand Army of the Republic, in session at the Capitol at Albany on the 23rd day of January, 1906, representing thirty thousand veterans, soldiers and sailors of the Civil War enrolled in that organization, do hereby earnestly and emphatically protest against the action of the State Civil Service Commission as expressed in blank form E-40.

It is respectfully urged that such information is sought by the Civil Service Commission for the purpose of discriminating against veterans, who by reason of their wounds or other disabilities, are receiving or entitled to receive pensions from the government by reason of their military service, irrespective of the fact that they are able to pass a proper physical examination and fulfill the mental and intellectual requirements of a competitive examination.

That this act of the State Civil Service Commission is a usurpation of power not warranted by the Constitution of this State or the laws passed for the enforcement of the same, and is repugnant to the spirit which prompted the adoption of the Constitution whereby a preference was to be given to soldiers.

We respectfully urge upon his Excellency, the Governor of the State of New York, to exercise the power of his high calling to the end that the restrictions contemplated by the inquiries made in blank form E-40 be removed, and that honorably discharged soldiers and sailors from the Army and Navy of the United States in the late Civil War, shall not be required to make any statement or declaration on oath which is not required of any other applicant for appointment in the Civil Service.

JAMES M. SNYDER,
Department Commander.

OFFICIAL.

SPENCER W. SNYDER,
Assistant Adjutant-General.

STATE OF NEW YORK.

EXECUTIVE CHAMBER,
ALBANY, May 24, 1906.

Memorandum on Assembly bill, Int. No. 279, Senate reprint No. 1390, entitled "An act to amend the Civil Service Law; relative to retiring veterans."

Not Approved.

This bill provides that veterans of the late Civil War, who have been employed for a period of fifteen years or more in the Civil Service of the State, or of any city, county, town or village thereof, shall, upon reaching the age of sixty-five years or thereafter, upon their own request, be retired from employment, and shall receive for life one-half the salary or wages paid to them in the last year of their employment; provided, however, that the amount so to be paid to any such retired veteran, shall not exceed the sum of six hundred dollars per annum.

It is objectionable for four reasons:

1. In form it is an amendment to the Civil Service Law; in substance it is a pension bill and therefore not germane to the general provisions of the Civil Service Law.
2. No appropriation has been made whereby funds would be available to pay such pensions should the bill be approved.
3. It provides for a service pension, without regard to disability, except in the case of laborers. If a pension system for civil

employees is to be established, provision should first be made for the veteran who is compelled, through physical disability, to retire from active employment.

4. It tends toward the establishment of a general pension system for civil employees, to which the State and civil divisions thereof should not, in my judgment, be committed at this time.

(Signed.)

FRANK W. HIGGINS.

Past Department Commander Graham put the motion and it was unanimously adopted.

Comrade T. Weberg, Post 96.—I would like to ask information as to why Governor Higgins vetoed this civil pension bill. I want to get at the real reason why he vetoed it. I did my level best to get my boy the position he has, and I want to go back to the City of New York with official knowledge of why he did it; whether the bill was unconstitutional or defective, and if so what defect he saw in it. Can the Committee give me any information on that point?

The Commander.—It is in the hands of the Legislative Committee; I don't know whether the Chairman of the Committee has anything to say.

Comrade Lewis E. Griffith, Post 34.—If we pass a lot of legislation when you have gone, it is your own fault; next year you will be here with a kick, simply because you went away and left these matters. My business at home is as important as yours; if we go home let us all go home together.

A comrade wants to know why Governor Higgins vetoed the bill. He filed with his disapproval of the bill a memorandum in which he starts off by saying that the bill purports to amend the Civil Service Law; that it is not an amendment to that law, but that it is a bill which injects into the law an entirely different subject than the one expressed within the provisions of the Civil Service Law. That is his first objection. His second objection is that the bill includes only veterans of the Civil War; that if there is to be a pension bill it should be a general pension bill which would take in all civil service employees who have served the same length of time. The third objection is that it is a step in the direction of establishing a general pension law to which the State is not yet committed.

I did not have the opportunity of debating it with the Governor. I wrote him a letter and received a reply stating that my letter would receive due consideration; and no doubt it did. I had some conversation with him since, and I am of the opinion that a bill can be so framed that it will overcome the two first objections which the Governor interposes.

The Governor was not unkind. He said that if the bill had passed earlier in the session he would have sent for us and would have discussed it with us and would have endeavored to amend the bill so that he could consistently sign it. I don't want to argue it; but along the line of pensions, let us see:—nearly every municipality in this State is pensioning. Policemen are pensioned; firemen are pensioned; school teachers are pensioned. Perhaps all that system of pensioning had escaped the attention of the Governor.

A Comrade.—Some of the judges are pensioned.

Comrade Griffith.—When they started in to pension the judges, the people started on the idea that they had had a good thing for a long time. But we have nothing to be angry about; it is no part of our business to scold anybody. It is enough to present such a bill once a year. It is a matter of no consequence what the political complexion of the Legislature is; in all these years, as you certainly know, whether of one complexion or the other, we have been receiving reasonably favorable legislation from the Legislatures of the State of New York. It is not a question of politics; because we are treated as well by one side as by the other in Albany, because there was nothing to be alleged against a single bill that we presented, although there has been a difference in individual opinions on the part of members. I am sorry to have the bill dally along; but let us not despair; we will go there stronger than before with stronger reasons than we had when we offered it first, and it will become a law for the benefit of those who need some earthly help.

The Commander.—I would state that I made an effort to have a personal interview with the Governor upon that bill. But I was informed by his Private Secretary that he had refused a hearing upon every bill and could not possibly give me a chance.

The Committee on Resolutions to whom this resolution was referred subsequently reported thereon as follows:

As to the resolution offered by Mr. M. H. Whalen, of Peter Cooper Post, New York, relating to what is known as the Assembly Bill No. 313, your Committee recommend the adoption of said resolution; substituting the word "principles" in said resolution for the word "provisions," and adding the phrase "properly amended so as to meet if possible the objections of the Governor as indicated in his memorandum to the Legislature."

The resolution as thus amended by the Committee on Resolutions was thereupon adopted. The resolution in the form adopted reads as follows:

Resolved, That this Encampment again approves and endorses the principles of said bill number 313, and directs the incoming Administration, through its law and Legislative Committees, to present a bill to the same effect, for the consideration of the next session of the Legislature, when it shall convene, properly amended so as to meet, if possible, the objections of the Governor as indicated in his memorandum to the Legislature.

Comrade Lewis E. Griffith, Post No. 34.—Comrades, I don't want a cent this time. I want to propose a motion, and I want you to view it with the idea that it is simply for the purpose of expediting the business of this Encampment, and to permit those comrades who cannot be absent from home duties and their official positions to return to them without delay. I want to offer you for your fair and calm consideration these two propositions: First, that the hour of two o'clock to-day shall be named for the nomination of officers, as the special order of business; second, that the hour of three o'clock shall be named for the election of officers, as the special order of business. You will see, two o'clock for the nomination of officers; and three o'clock for going into the election of officers. I make that as a motion; it is open for discussion. We want to please the greatest number; the greatest good to the greatest number is the highest form of government.

This motion was adopted.

Comrade A. B. Wheeler, Post 266.—I have a resolution to offer.

A Comrade.—I want to make a motion that the Encampment take a recess for two minutes.

Cries of "No, no."

Comrade Wheeler.—Whereas, there is an organization of musicians called the National Association of Civil War Musicians, G. A. R., and it is composed of musicians who served in the Civil War, and

Whereas, Charles A. Van Horn, of Watrous Post 80, of Binghamton, N. Y., has been appointed as the Executive Committee for the Department of New York, by the President of the National Association, therefore be it

Resolved, That the Department of New York, G. A. R., adopt the National Association plan for said musicians to furnish or to have the preference to furnish the music at the gatherings of the Grand Army of the Republic.

This resolution is signed by S. McAuliffe, Chief Mustering Officer; H. H. Rogers, Post 266; H. R. Kings, Post 395; D. W. Heckey, Post 58; A. B. Wheeler, Post 266.

The Committee to whom this resolution was referred, subsequently reported thereon as follows:

As to the resolution relating to the so-called National Association of Civil War Musicians, your Committee recommends that the question be referred to the Council of Administration of the Department of New York, Grand Army of the Republic.

The recommendation of the Committee was adopted and the resolution was so referred.

The Commander.—There is a delegation from the Sons of Veterans at the outer door; the Officer of the Day will escort them to the platform.

A Comrade.—I have been placed upon the Committee to wait upon the ladies; I would like to know what the duties of the Committee are?

The Department Commander.—To wait upon the ladies, and tell them how much we think of them.

Comrade Frank Z. Jones.—It is their duty to kiss the old maids, and turn the good-looking girls over to us.

The Department Commander and staff of the Sons of Veterans having been escorted to the platform, the Commander said:

The Commander.—I have the pleasure of introducing to you this morning, William B. Moynihan, Department Commander of the Sons of Veterans of the State of New York.

Commander Moynihan.—A year ago it was my duty to attend your Encampment at the City of Syracuse; and at that time I appealed to you to use your good offices in the direction of forming camps of Sons of Veterans in the various localities. I am here to-day to return thanks on behalf of the Sons of Veterans for the results of the past year. We have organized twelve new camps in this State; an average of one a month, which is very good. I trust that you will continue to manifest your interest in this organization. We believe that the Veterans deserve the highest recognition that can be granted them by the American people; and that there can be no better way of doing this than by the organization which is to perpetuate your history throughout the country. We believe that you realize the importance of this organization; that some organization or body should be left by you to continue the patriotic work that you have done, and to keep green the memories of the men who saved this nation and made it possible to attain the highest standing among the nations of the earth. We may point with pride to the history of this country; but there is no chapter that can be referred to that does not contain very much that you did which changed this nation's course, that made it possible for us to go on and obtain a standing second to none among the nations of the earth. We take pride, Comrades, in calling attention to your achievements and in reminding people that that is the purpose of the Sons of Veterans. Commander, I thank you for this privilege this morning.

The Commander.—We certainly appreciate your kind words; and I can say to you in behalf of the Department of New York, that the interest manifested during the past year has been very gratifying; and I promise you that continuous help will come from my successor.

The Commander of the Sons of Veterans was then escorted to the outpost.

The Commander.—Every Comrade who rises to address the Chair will give his name and the number of his Post.

Comrade W. A. G. Hooton, Post 197.—I offer the following resolution:

Whereas a movement is on foot in the South to erect a monument at Andersonville, Ga., in honor of Captain Henry Wirz,

who on unimpeachable testimony was proved guilty of most revolting cruelty to and butchery of helpless Union prisoners in 1864-65, and was hanged for such fiendish acts; said murderer Wirz being miscalled a "martyr," and a leading Southern newspaper appealing to the "patriotism" of the South in behalf of the scheme; this with public displays by Southerners of the Stars and Bars, the emblem of treason, in preference to "Old Glory," the symbol of loyalty, and the effort to corrupt history in excusing treason and glorifying the Confederacy and its leaders, call for emphatic action by the surviving veterans of the Civil War in protest and condemnation of such treason-inspiring acts; therefore be it

Resolved, That it is time treason was again made odious and the South taught that the awful lessons of the war and the patriotic blood shed for the Union are not forgotten, and that when the bloody hand of treason is again seen in the rearing of monuments to infamous traitors and butchers of helpless captives because they were Union soldiers, it is high time for the 1,000,000 surviving veterans of the Civil War to speak with no faltering or uncertain voice against such miscalled "patriotism."

Resolved, That we call upon Congress to at once pass a law forbidding the public display of any symbol of treason and authorizing any officer, soldier, sailor or marine of the United States army and navy to seize and destroy such emblems, and for the confiscation of all lands and monuments used for glorification of notorious rebels and butchers like Wirz.

Resolved, That we call upon Congress to also pass a law forbidding the printing or publishing of anything having a tendency to foster treason against the Government, or any false or slanderous statements in alleged "histories" by which loyal Union Presidents or commanders may be maligned or held up to contempt or the Rebellion eulogized or justified.

Resolved, That the falsity of the statements as to the North being exhausted and at the end of its rope in 1865, was abundantly proved by the Grand Armies of Victory that marched up Pennsylvania Avenue in 1865; and that the million men who marched under "Old Glory" then—tried, true and skilled veterans of a four-year war—can never fear comparison with any other armies in any age of the world.

Resolved, that the treasonable sentiments uttered and the display of the symbols of treason at every meeting of Confederate Veterans and Daughters of the Confederacy can only tend to weaken loyalty and inspire treason in the hearts of participants and onlookers and those who read about these doings in the newspapers.

Resolved, That we call upon all veteran bodies to unite in condemning rebel insults to the brave men who risked their all in defence of the Union, nearly a million of whom fell in battle, were sorely wounded or savagely maltreated and maimed because they were patriots.

Resolved, That a copy of these resolutions be sent to Hon. Thomas W. Bradley, Walden, N. Y., with a request that he will introduce a suitable bill in the House of Representatives covering the subject; also to the Department Commander of New York, G. A. R., asking his indorsement of and forwarding the same to the Commander-in Chief of the G. A. R.; to President Roosevelt, to the presiding officers of the Congress and of the New York Legislature, to the New York newspapers and the National Tribune, with a request for their publication as a formal notice that treason is to be stamped out before it has a chance again to attain the upas growth of 1860.

Comrade T. Weberg, Post 97.—I was an inmate of that prison for eight months.

A Comrade.—These resolutions cannot be discussed; I rise to a point of order; how can they erect a monument to Captain Wirz when the old prison is in the hands of the Woman's Relief Corps?

The Commander.—The point of order is well taken.

The Committee on Resolutions to whom this resolution was referred, subsequently reported thereon as follows:

Referring to the resolution regarding the report that it is proposed by some person or persons to erect a monument at Andersonville to the memory of Captain Henry Wirz, your Committee recommends that the matter be referred to the next Encampment of the State of New York, in view of the fact that it does not seem feasible to take action at this time upon the rumor of some proposed action by citizens of the Southern States of the Union.

The recommendation was adopted; and the resolution was so referred.

Comrade S. S. Smith, Post 230.—I move that we take a recess until one o'clock to-day.

Comrade Griffith.—We have got to receive some of these ladies; that will give us half an hour to receive them; it will not interfere with our election. Don't you think they had better come half an hour earlier? Make it half past one.

This motion was adopted, and the Encampment took a recess until half past one o'clock.

SARATOGA SPRINGS, N. Y., *June 21, 1906.*

1:30 P. M.

The Commander.—The Encampment will come to order.

Comrade N. G. Cooper, Post 355.—I offer the following resolution:

Resolved, That the Assistant Adjutant-General shall, in the Journal of Proceedings of this Encampment, have printed the date of organization of each Post.

The Committee on Resolutions to whom this resolution was referred, subsequently reported favorably thereon and recommended its adoption.

The resolution was thereupon adopted.

The Commander.—I will read the following telegram:

YANKTON, S. D., *June 20, 1906.*

TO COMMANDER JAMES W. SNYDER, *Grand Army Encampment, Saratoga:*

Greeting to all the comrades; best wishes for a harmonious and successful Encampment. Fifteen thousand miles travel since Denver shows me the Order in good condition and spite of the ravages of death we will show increase of membership at Minneapolis.

JAMES TANNER,

Commander-in-Chief.

Comrade Henry Knight, Post 327.—I move that the Department Commander answer the telegram thanking Comrade Tanner for remembering us; and expressing our regret that he is not

with us to-day. I am happy to say that this is the only Encampment that Comrade Tanner has missed since the organization of the Grand Army of the Republic.

This motion was adopted.

Comrade Griffith.—Before the ladies are received, I was to move that nominating speeches be limited to ten minutes, and seconding speeches be limited to three minutes, and I now make that motion.

A Comrade.—I move to amend by making the ten minutes, five minutes.

The amendment was lost; and the original motion was adopted.

The Officer of the Day.—(Having conducted the delegation of the Woman's Relief Corps to the platform, presented them to the Department Commander.)

The Commander.—Ladies representing the Woman's Relief Corps, it affords me great pleasure to extend to you a cordial welcome. Your work during the past year and during my administration has been so commendable that I cannot at this time properly express to you and the members of this Encampment my hearty appreciation. I await your further pleasure.

Miss Florence E. Payne, Secretary of the Woman's Relief Corps, then read the report of the Corps (which will be found at page 238 of this report, together with report of Committee thereon).

Mrs. Kate L. Jones.—I only can say a few words to the Comrades; I know you are busy, and I only want to speak to you to congratulate you upon the patriotic work that you are doing to-day, which has attracted other nations. For even England has given a meed of praise to the United States for the manner in which we are presenting patriotic education and educating children in the public schools. It is due to the Grand Army of the Republic. There is not a patriotic organization in the world which has accomplished so much work in the education of public schools as the Grand Army. So we want to congratulate you to-day on the excellent showing. It is a matter of pride that the National Organization of the Grand Army has got now, through these people and your Patriotic Instructor, Col. Allan C. Bakewell, such an excellent method of reaching the boys of the schools in their vicinity. I congratulate you upon it. This work of

patriotic instruction has cemented the Union between the North and the South. It is greatly to be regretted to-day among the women of the Relief Corps, that women of the South should contemplate dedicating a monument to the traitor Captain Wirz. We want to say that the Woman's Relief Corps now owns the Andersonville prison pen; we own it; and they can count on us to oppose any effort to dedicate such a monument. We believe it to be a premeditated insult to the loyal people of this country, and to the relatives and to the memory of the fourteen thousand soldiers who passed through the gates of torture of Andersonville prison pen to the rest and peace of Andersonville cemetery. I want to say that we have control over the old Andersonville prison, and that on the day they dedicate their monument we will raise our flags and the stars and stripes shall be floating in honor and in memory of the brave heroes who suffered in Andersonville.

Mrs. Kate Gledhill.—Commander and Comrades: no higher honor can be conferred on a member of the Woman's Relief Corps, than the privilege of looking into the faces of the men who so valiantly fought during the dark days of the rebellion. While we are not here to take any of your time, we are thankful that we can come and present to you the greetings of the Woman's Relief Corps, and feel that we are your auxiliary. We wish you great success and long life.

The Commander.—Ladies, and representatives of the Woman's Relief Corps, I fully appreciate the excellent manner in which you have conducted the affairs of your Department during the last year; and if such a thing be possible, I shall look for even a better report from you in the years to come. I will call upon Comrade H. C. Woods to say a few words to you.

Comrade Henry C. Woods.—Ladies of the Woman's Relief Corps, Commander and Comrades: It is an unexpected pleasure which has devolved upon me to speak to you for about three minutes. I have had great experience with the Woman's Relief Corps, dating a great many years back. It reminds me that in 1862, when I was eighteen years of age, a little fourteen-year old maiden with brown eyes and curly hair and rosy cheeks asked me if I would not give her a lock of my hair. She was a Relief Corps to that extent, in that she relieved me of a lock of my hair. When the war was over I could not find her; some clumsy

scamp who didn't know enough or wasn't patriotic enough to enlist, had gone away with her, and I never got it back. But I succeeded after five or six years in finding somebody else who took her place so far as relieving me of my hair is concerned. I see that in looking over the Comrades that there are several who have not fared as well as I have and who have had more Relief Corps than I did. I say "God bless the Woman's Relief Corps." I take you closer to my heart than I ever have before. I never knew they were doing so much; I knew that they were getting a great deal of money; why a woman can raise more money and make it go further than a man can, at any time. I give my wife a dollar once in a while, and she makes it go so far that I never see it again.

You see men before you who were in the Navy; who were in the Cavalry; who were in the Artillery; and some like myself who were in the Infantry; but whether they rode on a gun carriage or on a gun ship, or on horseback, or went on foot, they were all for the Union, to a man. I am glad that the Woman's Relief Corps, as I look upon these charming ladies, come to our Encampments year after year; and I am glad to see that in most cases, they too are all for a Union to a man. So I say "God bless the Woman's Relief Corps." We thank you for your efforts in our behalf and for your valuable report.

The ladies then retired from the Encampment, the delegates rising and giving three cheers.

The Commander.—There is a further resolution to be offered:

Comrade H. R. King, and other Comrades of Post 395, offer the following resolution, which was read by the Assistant Adjutant-General:

Resolved, That the Rules and Regulations of the Grand Army of the Republic be amended so as to read: A Post Commander of any Post having been discharged and re-instated, be re-instated with full Past Commander's honors, leaving it discretionary with the Post so re-instating.

The Committee on Resolutions to whom this resolution was referred, subsequently reported thereon and recommended that the resolution be referred to the delegates to the next National Encampment.

This recommendation was adopted and the resolution was so referred.

The Commander.—Nominations for Officers are now in order. First in order is the nomination of Department Commander.

Comrade Julius W. Kimball, Post 33.—Commander and Comrades: Although I have been a member of the G. A. R. about thirty years, very few of its honors outside my own Post have been conferred upon me. Last year, however, I was a delegate to the State Encampment, and this year I appear again in the same role. It is possible that some of the comrades present may think it somewhat presumptuous in me, at my second appearance, to stand up here for the purpose of nominating a comrade for the position of State Department Commander; but though I have not been a frequent visitor at the State Encampments, I know something about its affairs, and have some ideas as to the qualifications and characteristics which would tend to fit a man for the exalted position of Department Commander.

Of course he must have been a soldier in the army or a sailor in the navy of the United States during those days that tried the souls of men from 1861 to 1865.

He should be a man with clean hands, clean heart and mind, a man to whom every veteran in this Empire State can point with pride and confidence and say to the world "Such men, the old soldiers and sailors of the State of New York choose to administer their affairs."

He should also be a man possessed of administrative and executive ability. These qualifications and characteristics are possessed, to an eminent degree, by the comrade whom I shall name for the office of Department Commander. Every comrade present, knows that I refer to Comrade John S. Maxwell of Amsterdam, N. Y.

For nearly a quarter of a century he has been an attendant at the Annual Encampments; he has served as Senior Vice-Commander of this Department; for several years he served on the Council of Administration, and two years was Chairman of the Legislative Committee, and in each of these positions rendered valuable service to the veterans.

You have seen him oft and oft, have listened to his voice; you have noticed his silvered hair, a crown of glory to this veteran



OSCAR D. ROBINSON,
Patriotic Instructor.

sailor of the Civil War; you perhaps have thought these silver threads indicated age; but approach a little nearer my comrades, look more closely, observe that undimmed eye, and you see there indicated all the fire of young manhood.

Having lived a life of sobriety, having observed that rule, "Rectitude of conduct," the end of just three score years finds him hale and hearty in both mind and body, well able to perform every duty which will devolve upon him as Commander of this Department.

Many of you think you know him, and in a certain sense you do; you know him in a public way, but the comrades of his home city know his everyday life which counts for much more.

You know that for many years he was Commander of Terry Post, and that since the consolidation of that Post with E. S. Young Post, he has been Commander of the same. He has never refused to serve his part in any capacity, and is now the very efficient Adjutant of E. S. Young Post.

In the history of that Post perhaps we have never had but one Adjutant more efficient; you will understand my meaning when I tell you that for several years that position was held by the comrade who is now speaking to you. About fourteen years ago this comrade was elected Recorder or City Judge of his home city. At the end of his term of three years he was re-elected by a greatly increased majority. At the end of his second term he was re-elected without opposition, and would still occupy that important position had he not declined a fourth nomination.

In the fall of 1904, he was nominated for District Attorney of Montgomery County. In opposition to him there was nominated one of the most popular young men of the City of Amsterdam; a young man of excellent parts and "as clean as a hound's tooth," no man could truthfully say one word against his character, nor his legal ability to perform the duties of the office if elected. The whole strength of his party was centered on his election; the young men of the county were appealed to in the strongest possible manner to support this young candidate; but when the votes were counted it was found that the veterans of the county, the older men who remembered the Civil War and its great results, together with that younger element that could not be swerved

from their loyalty to the veterans, had elected the old sailor by a majority of more than six hundred votes—but enough of his public career. What of his private life?

I have known Comrade Maxwell quite intimately for more than a quarter of a century. I have never known him to be guilty of a mean action, nor to advocate an unrighteous law. I have never known him to countenance a wrong either in public or private life. I have never known him to flinch from his duty however unpleasant that duty might be. His attitude toward comrades is always in the spirit of "fraternity and charity." No needy and worthy comrade ever calls upon him in vain. The first question is "What do you need?" and with that question his hand finds its way to his pocket.

On the fourth of each month when pension vouchers must be verified before a notary or some other official, many pensioners find their way to Comrade Maxwell's office, and many a time I have heard one and another say, "I have no money to-day, but will pay you when my pension check is received," and many a time I have heard the same reply "Never mind the money part, I want no money from you." It is the same whether the pensioner be a needy old soldier or the widow of a veteran who has passed over the river to enjoy a blessed eternity.

But what of his record on board ship during the war? At the age of eighteen, he enlisted in the navy of the United States. He served on board several ships under command of the gallant Admiral Porter, a sea dog by inheritance. He was present at both attacks on Fort Fisher, and we all know the fierceness of that great struggle. He was one of the men who volunteered to go ashore to take part in that terrific charge made by the sailors across the sands. The sacrifice he offered was not accepted, as the captain of his ship refused to allow one of his men to go, but the fact remains that John was ready and willing to make the sacrifice, and deserves the same credit as those who went and there gave their lives for that good old flag which we all love so dearly.

A moment more and I am through. During the two score years of the existence of this Department, no comrade who served in the navy has ever been chosen its Commander, and while I claim no superior virtue of the sailor over the soldier, I ask if it

be not just, everything else being equal, to honor one of Uncle Sam's web-footed comrades.

Without further speech, I present for the office of Department Commander for the ensuing year, the name of Comrade John S. Maxwell, of E. S. Young Post 33, of Amsterdam, N. Y.

Comrade George W. Scott, Post 491.—One hundred and fourteen years ago there died in France, the first Admiral and father of the American Navy. Lately the body of John Paul Jones was brought home and laid away in the crypt prepared for him in the Naval Academy at Annapolis. It seems but a few days ago since the President of the United States, members of his cabinet, Governors of States, and Ambassadors of other nations assembled to do honor to him, and the war vessels roared out their salute in honor of the memory of John Paul Jones and of the Navy which he had created. In this swelling tide of national patriotic naval recognition of 1905 and 1906, I think it would be well if this Encampment fell into line with the nation, and not only to honor the memory of Paul Jones, but also honor the American sailor down to the time when Dewey and his gallant crew won the victory in Manila Bay. I have been informed that Grand Army men and sailors who live on the banks of Lake Champlain, within sight of those waters where McDonald achieved his naval victory, have been calling upon the Encampments to select a Department Commander from the sailors of the Civil War. When you soldiers fought at Malvern Hill under McClellan you met there the sailors from the gunboats who drank with you from the same canteen. When you went to Vicksburg, and went to Sherman and fought under him and marched from Atlanta to the sea, you there met sailors of the navy; and you drank with them from the same canteen. That was during the war, forty years ago. Since that time soldiers have had possession of the honors at every Encampment; in fact have had possession of the whole commissary. No sailor has yet been elected Department Commander. I take pleasure in seconding the nomination for Department Commander of one of the naval heroes of the war, Comrade John S. Maxwell of Post 33.

Comrade J. E. Morrall, Post 30.—Comrades: I have no desire to disparage in any manner the just claims of any comrade who may be placed in nomination in this Convention. They are all

worthy soldiers and honorable men; they are to-day undoubtedly worthy of any honors that their comrades may see fit to confer upon them. But it is an old adage that circumstances alter cases. And there are circumstances sometimes that would justify us in preferring one comrade to another for so important an office as that of Commander of this Department of the great State of New York.

I have to present to you the name and claims of a comrade who is well known to me and who is undoubtedly well known to a large proportion of the comrades who are assembled here to-day. Animated with the same feelings and sentiments which actuated you when you started out from your homes here in the North, leaving family and home and all their associations, to go into the field and fight the battles of your country, to maintain the integrity of this nation and preserve the honor of the flag that had so long floated over the American nation and had been carried through the storm of war and had faced so many victories, he, a young man, rather I should say a boy, slender, short, not an athlete by any means, and still a boy, who it might well be supposed would be better let remain at home in the care of his parents; actuated by the same feelings and sentiments that actuated you, he enlisted for the war. He did not go out as a drummer boy; he did not go out as a clerk where he might be removed from scenes of danger; but he enlisted as a common soldier to go into the ranks and fight with full grown men, standing by them in the storm of battle, animated by a noble purpose and a strong purpose, and one that endured during all his army service. He strapped the knapsack across his shoulders; he buckled the belt around him, containing the cartridge box; he slung the haversack and canteen across his shoulders, and took his musket and went into the ranks, and on long weary marches, marched as the strongest man in the ranks marched; true to his purpose, although not strong physically, but strong in that noble purpose, to serve his country to the best of his ability; and so he did serve during almost the entire period of the war; for he enlisted in the summer of 1861, in the 90th New York Regiment. After his enlistment and entry into the army he steamed down the Atlantic coast, and going west afterwards through the Gulf down to the lower Mississippi, and there in the malarial districts of the lower

Mississippi he was in all the battles with his regiment; also at Cox' landing or Cox plantation, and was also present at the capture of Port Hudson. After serving in the army faithfully in that portion of the South, he came again with his regiment into the State of Virginia; there he served and was in the battle of Cedar Creek, and in the Shenandoah Valley where that magnificent soldier, Sheridan, hurled himself against the foe and drove them up the valley.

During his army experience he suffered as some of us did not suffer. At Key West he was stricken with a low fever and he came near dying there, and has not even now recovered from the effects of that fell disease. He was taken prisoner after his long period of service, and was sent to Pemberton, and then to Salisbury, North Carolina; from there he was transferred to Richmond; his prison life extended over a period of more than five months, in that Hell-hole at Salisbury, where the conditions were at times perhaps worse than at Andersonville. He languished there under the broiling sun, drinking putrid water; living upon food that was unfit to eat and getting very little of that; dying of thirst and starvation, suffering agonies that no one who has not endured such privations can imagine; is that not a worthy service? And yet for his country he suffered all this. I say to you, my comrades, that I doubt if you go over the whole United States of America, and among the great mass of veterans who served during the war, or who left their homes to bleach in Southern soil, or who returned to their homes, you can find another case parallel to this.

A young man, twenty years of age, returning to his home after the close of the war, not having yet reached his majority, having been wounded in one battle and languishing in the hospital, and suffering from three fell diseases, every one of which may be considered as ordinarily fatal, where can you find another instance which will be a parallel to this particular case?

I am sorry that I have but one minute left, because I have much more to say. I will only say that it is not only his army service which makes him worthy of this honor, but the services he has rendered the poor and infirm comrades, their widows and orphans; and no man has a better record than this man who has gone out of his way to relieve their distress; and if all such could stand

before you here to-day, I have no doubt that they would plead with you in such a way that you with one voice, unless you were already pledged, would announce your choice for Alfred A. Lord, for Department Commander. I commend Alfred A. Lord to your suffrages; and tell you that if he receives them and is elected, it will reflect honor upon the great Department of the Empire State.

Comrade John B. Jones, Post 53.—Let me say to you that it fell to my lot to have the privilege of presenting to you a candidate for Department Commander. Our Past Department Commander, General Curtis, was to present the name of our candidate; but he is seriously ill at the hotel, under a doctor's care, with a very high fever. Therefore you will bear with me I hope, for a few minutes, while I tell you something regarding our candidate.

First let me say to you, that our candidate will fill every part of the bill that has been mentioned in favor of the other candidates by the comrades who preceded me. Twenty-seven years ago the comrades of the various Posts of the City of Utica, and County of Oneida, came to this Encampment and presented the name of a comrade for Department Commander, and you elected him. Without any question I refer to the gallant General McQuade. Since that time Utica has not asked for the suffrages of the Encampment for any office, and especially the office of Department Commander. Therefore we are thinking that in rotating these honors over the great Empire State, we are practically entitled to that office to-day; and we hope that you will see it as we do, when you come to give in your ballots.

A few words with regard to Comrade Risley. It has been my privilege to know Comrade Risley for forty-five years. Forty-four years ago this coming August, Comrade Risley, hearing the call for three hundred thousand more, started in among his young friends for enlistments for the 117th New York Infantry; and before he got through with the work he had enlisted fifty-four men for Company D, of that regiment. Among them was your humble servant, then only seventeen years of age; and Comrade Risley, thinking that I was too young to go alone, went to work and enlisted my father to go along with me. Comrade Risley was then studying law as a student. He went with us and performed as honorable service as any man connected with any regiment, I

don't care what it was. You will pardon me in mentioning it, when I say that the regiment I belonged to was one of the three hundred fighting regiments in the great army of the Rebellion.

Comrade Risley was first lieutenant of Company D in that regiment. Unfortunately, like our Comrade Lord who was mentioned here, he was stricken with disease and was compelled to give up his position and leave his comrades for a little over a year. Every comrade of his regiment and company, alive to-day, if they were here would testify that they loved him as a man; and that they loved him as a soldier. And the delegation here to-day such as it is from our city in his interests prove to you that they love him as a citizen, they love him as a business man for the last forty years in the City of Utica.

Comrade Risley is not an office holder; this is the first office he ever sought in his life, and he didn't seek this only as we urged him to take it in our behalf. But what has Comrade Risley done for the Grand Army of the Republic in the State of New York? It was through his efforts that a bill was passed by the Legislature of the State of New York, that soldiers, upon a proper application made and filed with the Judge, who were buried in potter's fields, should be removed at the expense of the city, county or town, from these potter's fields, and placed in soldiers' plots, or if there were no soldiers' plots available, then in decent graves, in a regular cemetery. I say to you that more than to any other man in the State of New York, that law is due to Comrade Risley. And we went to work and made our applications and filed them with the Judge and in that city alone we removed the bodies of fifty-four soldiers from the potter's field and placed them in plots with a monument at the head of every one of them. We are proud and you would be proud if you had a chance to look at that work. That is something that Comrade Risley has done. There never was a time in the history of the Grand Army of the Republic that a member of this organization, or any old soldier ever went to Comrade Risley and asked a favor, whether it was money or service, but he got it every time. In fact he has been too generous with respect to these people, if that is possible.

I don't want to take up your time; in fact, I am no speech maker as you have already learned. In conclusion I simply want to say to you that we are here to ask you to consider us

when you cast your ballots, on the ground that we think that as far as rotation is concerned we are certainly in the race; and as far as our candidate is concerned we will guarantee, if you see fit to elect him, that you will have one of the best Department administrations, so far as it lies in a Department Commander's power to give it to you, that you have ever had in this great Department. I have the pleasure of placing in nomination Comrade Edwin H. Risley, of Bacon Post 53, of Utica, New York, for the office of Department Commander.

Comrade D. Simmons, Post 435.—Commander and Comrades of the Grand Army of the Republic: This is the place to come, I find, if you want to know how good you are. We all find out just what great men we are when we come to our State Encampments.

Now Post 435 of Brooklyn comes here to present a candidate. We do not bring you an angel; we do not bring you a man who settled the whole war; but we do bring you a good comrade; a man who in every way is worthy of your suffrage; a man who is particularly well fitted by a life-training for the work of the Department in this State; we bring you a man who has been in this Encampment for a great many years; who has served upon about every committee in the Encampment; and for that reason he is particularly fitted for the duties of Commander of the Department. This comrade has a war record; he entered the service when he was a boy of sixteen; this comrade was wounded at seventeen; before he was nineteen he was a prisoner of war. He served his time; he re-enlisted and served to the end of the war. That is his record. This comrade if elected to the position of Department Commander will bring dignity to the office, as well as prove his fitness in other ways. He is one of the leading citizens of Brooklyn and always has been. He has been President of the Bar Association; and it seems to me that that is quite honor enough for any man. He has been a member of this Encampment for a number of years; he has been Commander of his Post a great many times. He has been a member of the Memorial Executive Committee for a great many years. He has been Grand Marshal of Brooklyn for a number of times. He has a standing as a citizen among our people in Brooklyn, which is of the very best.

I don't propose to stand here and take up your time going over all these particulars. I think that the very things I have outlined are quite sufficient for sustaining us in our advocacy of the comrade without taking any more of your time. We people of Brooklyn have considered this comrade well fitted for the position; a most excellent executive officer, and one who we know will do credit to you as a body. We hope that you will see it in that same light, and that you will honor this comrade with your suffrages. I have the honor to place in nomination a member of Post 435, of Brooklyn, Comrade James D. Bell.

Comrade H. D. Ellsworth, Post 346.—Comrades: I am glad that it is my privilege to stand here for the very few minutes that have been allotted me to second the nomination of a comrade whom I have loved and admired, who has been a friend for over twenty years, and a Grand Army comrade for many years, Comrade John S. Maxwell, of Amsterdam. I do it because the comrades of my county and of the adjoining counties in the northern part of the State of New York endorse his nomination. I do it because in every other county of this State you can find supporters of Comrade Maxwell here to-day. I do it because he is and has been a friend for more than twenty-five years of all the comrades of the Grand Army of the Republic. There is not a comrade of the Grand Army who ever came within the need of his voice, of his advice or of his assistance, who was ever turned away. Comrades who were accustomed to come here year after year to attend our Encampments, never came without meeting the kindly face and friendly greeting and grasp of the hand of Comrade Maxwell. I endorse him to-day because he is eminently worthy of your support. He has shown in his private life, in his political life, in his civic life and in his Grand Army life, that under every circumstance and in every place where he has been called upon, John S. Maxwell has always been able to respond in his own person. If you look over some periodicals which have been circulated here to-day, you will discover that Comrade Maxwell is not the result of a coalition; he is not a member of a firm; but he stands upon his own record, he stands upon his own feet, he stands upon his own reputation, a reputation which I make bold to say has endeared him to every Grand Army comrade who has ever made his acquaintance.

It is not necessary for me to dwell upon it any longer; in the discharge of my duty, which I regard as a great privilege, I present his name to you; it will be a privilege for yourselves to support him and your duty to elect him.

Comrade S. McAuliffe, Post 409.—Commander and Comrades: The history of the American Navy is an honorable one. Beginning with John Paul Jones, and Commodore Barry, and coming down to Commodore Perry and Admiral Farragut, to Admiral Schley at Santiago, and Admiral Dewey at Manila Bay, and we have a record of what the American sailor has done for the glory of the stars and stripes. For forty years we have related the deeds and heroism of the American sailors, to whom we have thrown only the crumbs; let us be generous now, and give them the whole loaf, which they deserve, by electing John S. Maxwell, as Department Commander.

Comrade Frank F. Jones, Post 419.—On behalf of the delegation of my county, I am directed to second the nomination of a man who was never in prison, because he was an able seaman, and able to swim out, John S. Maxwell.

Comrade P. L. Flynn, Post 516.—(This comrade waved a flag and seconded the nomination of John S. Maxwell in a speech which was inaudible on account of the manner of its delivery, and the laughter of comrades consequent thereon.)

Comrade E. W. Beach, Post 9.—Commander and Comrades, representing delegates from six of the Buffalo Posts, and other Posts in Erie County, from the shores of Lake Erie we stretch our hands across the State and grasp the hand of Comrade Bell of the Borough of Brooklyn. It does not make any difference whether he belongs to the army or navy; what we need now is a man who can take care of us for the next year. I am a member of the navy, in one way; I am or was a member of the pontoon squadron of the Army of the Potomac. I am going to vote for Comrade Bell; they have told you about his ability and all that. Fraternity is one of the cardinal principles of our Order; there is an old saying, that a man is the product of all his works; if that be so, then Comrade Bell is chuck full of fraternity from the sole of his head to the crown of his feet; I omit no part of his anatomy. I second the nomination of Comrade Bell.

Comrade Henry E. Turner, Post 200.—Commander and Comrades: Few and plain must be the words that I shall utter on this occasion. Proud indeed are the comrades of this great Department, that it has been so rich in comrades able to discharge the duties and fill, honor and dignify the position of Department Commander. I join in the praise and admiration of the comrades who have been put in nomination for that high and distinguished office. I have no word to say in disparagement of either of them. But I stand here in behalf of the comrades of my own section to second the nomination of that splendid gentleman, that thoroughly equipped man, that pure and upright comrade, and gallant soldier, Edwin H. Risley, of Utica. It is a fundamental principle of our American manhood and of the American soldier that he loves fair play. Let us apply that rule. Proud, majestic, imperial Manhattan, metropolis of the continent, standing at the outlet of the Hudson; Albany the beautiful capital of our State; the lovely city of Troy; Buffalo, the great metropolis of our west, upon Lake Erie, Rochester and Syracuse have for years been honored with this high position, but lying at the headwaters of the Mohawk River, in the county where was fought one of the most decisive battles of the war of the Revolution, Oriskany, is the fair and beautiful city of Utica which has time and again entertained this Department at Encampments, and since General McQuade's election, which was twenty-six years ago, that fair city has had nothing and has asked for nothing at all until this day. Now Comrade Risley is the peer of any comrade named for this position; he will honor and dignify the office if elected; is it not fair and just that we should heed the request of the county of Lewis, whose citizens and soldiers trod the fields of the South during the war, that you should now acknowledge that service.

Comrade Henry W. Knight, Post 327.—The flood-gates of talk have burst forth with such violence that unless they are closed we shall never get through; I move that nominations for Commander be declared closed.

The Commander.—This comrade here has been on the floor for some time; he is recognized.

Comrade G. L. Hughson, Post 95.—I do not rise to disparage any comrade, nor when it is a question of eulogy of any man, to

withhold giving credit where credit is due. I am here instructed by the Posts of Westchester with the exception of one back here, to cast its entire vote, with that one exception, for John S. Maxwell.

A Comrade.—The hour of three o'clock has arrived; the special order of business as laid down is the election of officers.

The Commander.—We are now under a special order as prescribed, for the nomination of officers.

Comrade Edward J. Atkinson.—Commander and Comrades: I have realized as I sat here listening to the addresses which have been made placing comrades in nomination for the office of Department Commander of New York, that this great Department has reason to congratulate itself upon the richness of the qualifications possessed by each and every comrade who has been mentioned for your suffrages for that high honor. Representing as I do the lower end of the State of New York, coming clothed with the authority and high honor to speak for my comrades of the City of New York, I will qualify it by stating this, that consisting as we do of five boroughs in the greater city, I am here delegated by comrades of four of the five boroughs to second the nomination of a candidate who has been presented to you so ably this day for your consideration and for your support. One of the best arguments that I have heard made in the interest of the comrade whom I shall second has been the fact that an appeal has been made to the justice of this Encampment that consideration be given to sections of the Department which have not been honored for a number of years by conferring of this high honor. The comrade who has so ably presented the comrade of the City of Utica has said to you that that honor has not come to that city in twenty-seven years. I stand here now to second the nomination of a comrade who comes from a city that in the forty years' existence of this Department has never had the honor. I present this from the standpoint of justice. It has been said to you that we have, as you are well aware, celebrated the fortieth anniversary of this great Department. In all the forty years of our existence, no comrade identified with the naval branch of our service has ever been honored by this Encampment. In consultation with our comrades, we of our city have considered this subject simply from the stand-

point of justice. We have no words to utter against the comrades who have been nominated. I desire now, as time has been called, to say that on behalf of ninety delegates from the City of New York, for the four boroughs, I second the nomination of John S. Maxwell of Amsterdam.

Comrade William Sears, Post 151.—I just want to say that I have been requested on the part of Central New York and other sections of the State to second the nomination of James D. Bell.

Comrade H. J. Swift, Post 183.—On behalf of the delegation from Allegany County, I take great pleasure for them and myself in seconding the nomination of Comrade James D. Bell.

Comrade William Riley, Post 590.—This morning there was a resolution adopted fixing three o'clock as the time for voting; I think it is time to apply the rule.

The Commander.—The special order that we are now under, provided the same authority that you now suggest; we are not through with the first part of that order.

Comrade John S. Koster, Post 385.—I don't wish to trespass upon the time of this Encampment for the three minutes allowed me; I simply came on the platform to second the nomination of Alfred A. Lord, for Department Commander.

Comrade A. M. Lowry, Post 140.—Comrades and fellow delegates, I appear upon this occasion with pleasure to second the nomination of one of the gentlemen who have been presented to you for the high office of Department Commander of the great Department of New York. I hope that my tongue will be paralyzed before I ever stand before any audience, and certainly before an assembly of the survivors of the Civil War, like this Encampment, composed of comrades who have risked their lives to maintain the Union, and say a disparaging word of any man who is a member of that Order. I hold that any man who has entitled himself by enrolling in it, in any Grand Army Post, to wear the little copper button, is to be admired when he is aspiring before the comrades of this Encampment for the highest office in our Order that can be given to any citizen; he has the right to ask the help of his old comrades; it is the right of every comrade who followed that great army which saved this country and made our flag, which has just had added to it within a few days, the forty-sixth star, the banner which welcomes to our shores all those who seek liberty, freedom and self-government.

I want to say to you that my reason for appearing before you was the statement made to you by a comrade a few minutes ago, who came before you and said that he represented the delegates of the City of New York, and expressed their wishes as to the candidates here. I challenge that statement. I too am a delegate from New York City; I belong to Post 140 of the City of New York. I am a member of the Memorial Committee as well as he; I pride myself that I am as honest as he; and I pride myself on the fact that I will not delegate to anybody else the right to speak for me in this Encampment in favor of one comrade or another comrade. It is not true that he represents the delegates of the City of New York. I say to you right here in this place that as a matter of fact the delegation from New York County* and the Bronx are very evenly divided between our Comrades Bell and Maxwell; the delegates from Kings County are for Bell; and I second the nomination of James D. Bell of Kings County.

Comrade A. B. Wheeler, Post 266.—Just a moment; if you have got the Lord on your side you are all right. On behalf of Comrade Lord, I want to say that you will make no mistake if you elect him to the office of Department Commander.

A Comrade.—I move that nominations for Commander be closed.

Another Comrade.—I move that we proceed to ballot for Commander for the coming year.

The Commander.—I am here to do what I think is right and I am going to try and do it.

Comrade A. Lyth, Post 9.—I believe that it is now the sense of this Encampment that they have heard enough; and I move that the nominations for Department Commander be closed.

This motion was adopted; and nominations for Department Commander were declared closed.

The Commander.—Nominations for Senior Vice-Commander are in order.

Past Department Commander, Harrison Clark.—Comrades of the Grand Army of the Republic: I wish to place in nomination the name of a comrade to this Encampment whom I believe that you all love; a comrade who is very popular among the veterans and among the citizens of his own city; a comrade who can

count his friends as legions; a comrade who has a record that any man might be proud of; a comrade who in 1862 saw the boys coming back with legs and arms off; and then and there laid down his pen that he was paid \$1,500 a year for using, and took up his musket at \$13 per month. Gradually he was promoted from private through all the grades up to Major of his regiment. Always with his regiment in every engagement up to that time he received five bullet wounds. He was wounded at the battle of Green Station, on the Weldon Railroad, stated to be one of the fiercest battles of the war; a hand to hand encounter. He was captured there and after serving a term in Libby prison he was sent back and lay five weeks in bed before he got through by train to the North. For ten years he lay in bed; and after all those years of terrible suffering, he embarked again in the pursuits of life. He was appointed United States Assistant Appraiser under President Johnson. After serving his country so faithfully, and as a member of the organization of the Grand Army of the Republic for forty years, he is here to-day asking you to honor him with the second highest place in this Department. He is a loyal and true man, a brave soldier of the Civil War; and as man and soldier he has filled every appointment conferred on him in war or in peace with honor and fidelity to himself and to his country.

Now I believe and I feel in my heart that you will all extend the right hand of fellowship to him and give him the old touch of elbows; I place Daniel J. O'Brien of Post 121 in nomination, and I move that the rules be suspended and that he be elected unanimously Senior Vice Department Commander.

Comrade G. J. O'Reilly, Post 80.—I second the motion and move that he be elected by acclamation; there is no use of making any other nomination.

Comrade Griffith.—I ask unanimous consent that the rules be suspended and that the Assistant Adjutant-General cast the vote of the Encampment for Comrade O'Brien.

There being an objection made, this motion was lost.

The Commander.—Are there any further nominations for Senior Vice-Commander? If not, I declare the nominations closed. Nominations for Junior Vice-Commander are in order.

At this point a delegation from the Daughters of Veterans was escorted to the platform, and presented to the Encampment. The delegation consisted of Miss Martha Hovel, Miss Rose Kirsch and Miss Carry B. Fish.

Miss Hovel.—As a representative of the Daughters of Veterans, I come to you to-day with the greetings of the organization. We are glad to stand here as Daughters of Veterans; we are glad that while we love all the other organizations, the Woman's Relief Corps, the Ladies of the G. A. R., and the Sons of Veterans, we have the pleasure of knowing that when they are all gone, the Daughters of Veterans are going on and on and on. In the days to come when the Grand Army has passed away and these other organizations are all gone, the Daughters of Veterans will still live, because their daughters will live and become Daughters of Veterans. We present you with this little token of our respect and esteem; it is only of flowers that in a little while will be faded and gone; but our love for you and for your memory will last as long as this flag flies over the land of the free and the home of the brave.

The Commander.—I thank you for your gift; and I want to say that you are no strangers to this Encampment; and to assure you of our appreciation.

. The ladies retired, the Encampment giving three cheers in their honor.

The Commander.—Nominations for Junior Vice-Commander:

Comrade D. H. King, Post 491.—I shall have as few words to say as I have hairs on the top of my head. I wish to present the name of Comrade George J. Russell, of Post 326, Washington County, for Junior Vice Department Commander.

Comrade G. W. Scott, Post 491.—I second the nomination of George J. Russell for Junior Vice-Commander.

Comrade William Sears, Post 151.—I am to present a name for Junior Vice-Commander; a man who has been coming before you for the last twenty years; a man with whom you have shaken hands at almost every Encampment during that time; and you who have attended National Encampments have found him there also. An active working Grand Army man, whose record is second to none; I present the name of Jared W. Wickes, of Post 151.



JOSEPH MURPHY,
Council of Administration.

Comrade R. Knapp, Post 67.—I second the nomination of Jared W. Wickes, of Post 151.

Past Department Commander James S. Graham.—I take great pleasure in seconding the nomination of Comrade Wickes; and I call the attention of the comrades here that his experience in Department affairs will make him a valuable member of the Council of Administration. I am confident that he will be a good member, if elected, as probably he will be.

Comrade N. W. Day, Post 135.—I second the nomination of Jared W. Wickes.

Comrade J. K. Darragh, Post 307.—It was my privilege and pleasure in a caucus held by over thirty delegates from Manhattan and the Bronx last night, to be assigned to the duty of seconding the nomination of a candidate who has been an honor to his home town; who has held positions of trust; and his comrades there recommend him as one of those who would serve the Department of the State of New York in a manner both efficient and able. I have pleasure in seconding the nomination of Comrade Wickes, of Post 151.

On motion the nominations for Junior Vice Department Commander were declared closed.

Comrade H. D. Ellsworth, Post 346.—I present the name of Dr. Andrew F. Sheldon, for Medical Director. Three years ago he was Medical Director; and I am instructed to present his name to the Encampment again. For the purpose of testing the feeling of the Encampment and for the purpose of ascertaining whether there be any opposition to Comrade Sheldon, I will move that the rules be suspended and that the Adjutant-General cast the vote of the Encampment for Comrade Andrew F. Sheldon, Post 153.

Comrade W. H. Flint, Post 204.—I wish to put in nomination for Medical Director, Dr. Charles Allen, of Rensselaer.

The Commander.—It requires unanimous consent to permit the casting of one ballot for a comrade. There appears to be a further nomination for the office; therefore unanimous consent could hardly be obtained.

Comrade Lewis E. Griffith, Post 34.—It was not my purpose to make any speeches, or take part in any way in these nomina-

tions; but I did not know who the candidates were for the office of Medical Director. When the comrade announced the name of Dr. Charles Allen, I could not sit here without telling you something about him. Dr. Charles Allen lives in the City of Rensselaer; he is a grand old man; he has reached the age of eighty-two years; he has been one of the Examining Board of Surgeons for the Pension Board in our district for years. I know that he is your friend; I regret that there is any opposition; I think that it would be a graceful thing for the younger man to step aside for a single year and allow us to lay upon the brow of this old comrade and doctor, a deserved tribute of respect.

The Commander.—If there are no further nominations for Medical Director, I will declare the nominations for that office closed. Nominations for Department Chaplain are in order.

Comrade Joseph E. Ewell, Post 2.—I am feeling a little more serious than usual at this Encampment; and in consequence I take more interest in the matter of Chaplain's nominations. I came here for the purpose of nominating a gentleman for that office, but he has got the start of me; taking advantage of me in his talk to the Woman's Relief Corps, he has nominated himself. But there is one thing which he omitted to say which I think ought to be supplied here. Strangely enough he omitted to say that he was a splendid citizen, a splendid clergyman, and a splendid all-round working Grand Army man. He and I have been running a race for the past three years in our attendance at the Soldiers' Home at Bath, to see which could tell the biggest yarn. Sometimes I had him beat to a finish and sometimes he had me beat to a finish; it all depended on who spoke last. If you ask me where he comes from, I say that he comes from almost every county in Western New York; you will naturally ask what denomination he belongs to; he is not like the one whose boy said his father was a Methodist, but didn't work at it much. He is a worker from way-back. I want to say that if he has ever set a limit to his time, his time limit is about out. My candidate is Rev. H. C. Woods, Post 81, of Bath.

Comrade Asher Cook, Department Chaplain.—It is with great pleasure that I second the nomination of my esteemed Brother Woods for Department Chaplain, and at the same time return

my thanks to the comrades for the interest they have felt in me with regard to my office. I hope that the same kind feelings and same kind courtesy that I have received from the Commander and the Staff and the Council of Administration will be extended to my successor. I return my sincere thanks to them. For I consider the office of Chaplain a distinguished one; I would rather be Chaplain of a great Department and wear this badge than to occupy the presidential chair. I hope that the same impressions will pass over to my successor; I would move if there be no further nominations, that the rules be suspended and that the Adjutant-General cast the vote for my friend Mr. Woods, for Department Chaplain.

Comrade C. H. Bronson, Post 81.—I take great pleasure in seconding the motion.

The motion was adopted; the Commander appointed Past Department Commander Freeman as teller; and the Assistant Adjutant-General cast the ballot of the Encampment as directed.

Comrade Freeman.—I find one ballot cast by the Assistant Adjutant-General for Henry C. Woods, for Department Chaplain, for the ensuing year.

The Commander.—I declare Comrade Woods duly elected Department Chaplain for the ensuing year; Comrade Woods, do you accept the office?

Comrade Woods.—I accept with thanks.

The Commander.—Candidates will send the names of the tellers whom they wish on their respective boxes.

Comrade Lewis E. Griffiths, Post 34.—I am going to direct my conversation to my old friend and comrade who sits down there, and see if we cannot dispose of the question of electing the Senior Vice-Commander without a ballot. I am getting old enough to know that there is a time when we must adapt our personal feelings to the circumstances which we find ourselves confronted with. Now there is no opposition to Comrade O'Brien; the comrade has been stirred up by something which has been done, which does not suit him; I ask him for the sake of saving the trouble of taking a ballot to withdraw his objection, and let me renew the motion for unanimous consent to elect Comrade O'Brien by a single ballot.

Comrade Mulligan.—This is unfair of Comrade Griffith. He knows that there is nothing I would not do for him; but this is a right which belongs to me; and I would not vote for O'Brien, and I will not. There is the end of it. There is no opposition.

Comrade Griffith.—I will not take up the time; but it seems to me if there is no opposition, that it is silly to go through the trouble of taking a ballot. I ask unanimous consent that one ballot be cast for Comrade O'Brien for Senior Vice-Commander.

The motion was lost; there being objection made.

Comrade Griffith.—In view of the fact that there may be errors in spelling the names and in numbers of Posts, and in names and initials of delegates to the National Encampment, I move that the Assistant Adjutant-General have authority to correct such errors, if any.

This motion was adopted.

Comrade Griffith.—There has been a proposition made, and I want to see how many comrades agree with me. You know that we always have a crowd on the aisle when we are voting. The proposition is this: That comrades from Post 1 to Post 100, take their seats on this side; comrades from Post 101 to 200, take their seats in the next section; and so on with each lot of 100 numbers; what do you think of it?

(Cries of "All right; a good idea, etc.")

The comrades of the Encampment then seated themselves as suggested by Comrade Griffith.

Comrade Charles Allen, nominated for Medical Director, withdraws his name as such candidate.

Comrade Griffith.—I move that the rules be suspended and that the Assistant Adjutant-General be directed to cast one ballot for Comrade Andrew F. Sheldon for Medical Director for the ensuing year.

This motion was adopted; Comrade Wallace was appointed teller, and announced that one ballot had been cast for A. F. Sheldon for Medical Director for the ensuing year; he was thereupon declared duly elected to that office.

The Assistant Adjutant-General announced the following list of tellers:

Commander's box, Comrades M. H. Whalen, Post 313; Frank

Z. Jones, Post 419; A. B. Wheeler, Post 266; L. H. Dodge, Post 14.

Senior Vice-Commander's box, Comrades John McGolddrick, Post 18; James Loftus, Post 121.

Junior Vice-Commander's box, Comrades F. A. M. Ball, Post 151; A. B. Ostrander, Post 600.

Council of Administration box, Comrades James A. Taggert, Post 9; George W. Carr, Post 202.

Delegates to National Encampment box, Comrades N. C. Fulton, Post 391; Thomas Moore, Post 38.

The polls were declared open, and the Encampment cast its vote. All having voted, the polls were declared closed.

Comrade A. H. Rogers, Post 75.—I take great pleasure in reporting that the Committee appointed at this Convention to visit the Ladies of the Grand Army of the Republic, immediately proceeded to discharge their duty as directed; but when they were informed of the advice given by Comrade Jones, that we kiss all the old maids and widows, they kicked. They were told that this was only a suggestion. We went to see them and they received the Committee with honor; we were escorted to the assembly of beautiful ladies and they sent their greetings to this body, and we offered them the best wishes of this Department. They returned their thanks and assured you of their support in every way that they can in performing the objects for which they were organized, namely, in relieving the wants of needy veterans, their widows, daughters and families. That is my report.

On motion, this report was adopted.

A delegation from the Ladies of the Grand Army of the Republic was escorted to the platform.

The Commander.—Comrades, as I am sure I can call you, we are much pleased to see you; your work has been such as to merit our appreciation, and I can assure you that you have it. I hope that the work which you have done in the past will continue in the future, harmoniously and fraternally, and for the good of your organization, and for that of the Grand Army of the Republic.

Mrs. Ruth E. Foote, National President, Ladies of the G. A. R.—Commander and comrades, knowing that you are very busy, we

have waited all the afternoon for you to send us word when you would be ready to receive us. That word was never brought to us until now, and I am sorry that I was not able to address a larger body of men and bring to you the greetings of your National Commander-in-Chief, General Tanner. I have been with him in several State Departments in connection with the Woman's Relief Corps; and I promised that in this Department which he was not able to visit, I would convey his greetings as well as my own to you. You all know that I represent a body of women formed for the purpose of perpetuating your memories, and not to take away the honor of your auxiliaries, the Woman's Relief Corps. I for one would never take one honor from them. My home is in Denver, Colorado; I was there at the time when they were made auxiliaries of your organization. I have lived there for thirty years; I married one of your veterans in 1867; so I am no spring chicken. As I said a moment ago we were organized for your aid and to be co-workers with you; for we think that the Grand Army of the Republic should have co-workers; so that we could perpetuate the memory of your brave deeds since 1861, which have never been put on record, as we think they should be; so we formed an independent charter for that purpose; because we do think that if it had not been for your brave deeds, your organization would not have been in existence as it is to-day. Your Commander-in-Chief, General Tanner, said at Atlanta, that if it had not been for the Southern women, the war would have been fully eighteen months longer. I think that if it had not been for the Northern women, we would not have gained the victory. I believe in your wives, and your very own, having as much honor as any other. I am not going to keep you long. I am the bearer of greetings from the western coast as far as California, from the middle west, New Mexico, Colorado, Wyoming; also Indiana and Nebraska, Pennsylvania and New Jersey, where I have been visiting. I will say to you when you want to know what we have been doing, that our doors are open; come in and see for yourselves. We don't send out any reports of what we are doing; we don't say where we are doing work; we do the work which a sister would do for a brother, a daughter for her father. We do our work quietly;

we don't let our left hand know what our right hand is doing. So come in and take observations that you will be glad to take. You will find out what we are doing; keeping a home for the veterans' wives and veterans' widows. I could give you an interesting talk with regard to what I know would interest you. But I represent the national body, numbering 55,000 women at the present time. When we started a number of years ago, we started with a little nucleus; and now we number 55,000, and almost as many more will belong to it; the day is coming when they will be seeking recognition in our Order on purpose to have your memory perpetuated. I am prouder of this badge which my husband gave me the right to wear, than of any jewel he could give me, because it was bought with blood and not with money.

I bid you God-speed. I don't call you old, because to me you are not; you are dearer to me because you have been tried in the balance and not found wanting. I would not know how to live with anybody else than a Grand Army man, after living with one for thirty-nine years; I would like to live with him thirty-nine years longer if God should give me life and strength.

Mrs. Walsh.—Officers and members of the Grand Army of the Republic: I am very proud to bring to you to-day the greetings from the Ladies of the G. A. R., Department of New York. We are not a very large Order as yet, only numbering 1,600 in this Department, but we are going to grow; and we are growing, and I think in a very short time we will outnumber any organization almost in the State. I have not the time to tell you, and you haven't the time to hear, everything that I have to tell. You have seen me so often that you have got tired of seeing me. My mother lived to be 97 years old; and when she was 95, she traveled 200 miles to make a visit. If I should live as long as that, I should attend every Grand Army Convention; I might not be able to bring you greetings, but I shall if I can. I wish you well; we certainly work hard for the comrades. I have a great interest in you; I am the wife and widow of a comrade who enlisted on the 26th of April, 1861, and was discharged in 1865; I feel that I have the right to wear this badge and I feel that I am honored in so doing; I am proud to be a lady of the Grand Army

of the Republic. I thank you for listening to me and my warm and heartfelt greetings from the Ladies of the G. A. R., Department of New York.

The Commander.—We have listened with pleasure to your remarks; we shall certainly hold you in our memory, and that your work may go on in the direction for which you are organized, in harmony and in a fraternal spirit with all your kindred organizations. I ask Comrade Ewell to say a few words to you.

Comrade Joseph E. Ewell, Post 2.—Ladies of the G. A. R.:—It seems to me that there is little to be added to what has been said by our worthy Commander. We deeply appreciate the words you have spoken and the sentiments which you have so ably and properly and feelingly expressed; we trust that your good work will continue. We wish you to convey to your organization the assurance of our deep appreciation of its work; and that you may have many years of prosperity and happiness in the future before you.

The Ladies of the G. A. R. retired from the Encampment; three cheers were given, and Mrs. Foote, the National President, acknowledged them by saying, "That encourages me for a long homeward trip."

The tellers at the box of the Senior Vice Department Commander reported as follows:

Total number of votes cast.....	539
Of which Daniel J. O'Brien received.....	503
Scattering and imperfect.....	36

The Commander.—You have elected Comrade Daniel J. O'Brien, Senior Vice Department Commander for the ensuing year. Comrade O'Brien, you have been elected Senior Vice-Commander; do you accept the office?

Comrade O'Brien.—I do; at this stage of life, coming as I do before you not as a stranger, but as one not aspiring for office, I appreciate the fact that I have been elected by practically the unanimous vote of a body of my old comrades with whom I stood shoulder to shoulder in the old days of 1861 to 1865;

the very fact of being elected by such a unanimous feeling on the part of my old comrades is something that will linger in my memory until the day I die. The fact was that a death occurred in the office of Junior Vice-Commander; and your Council saw fit to elect me Junior Vice-Commander. You have already expressed your wish that I should be Senior Vice-Commander. One thing which suggests itself to me is that you have looked over the list of all the comrades that the Commander read in the State of New York, and found that I had more vices than any other comrade in the whole party.

To say to you that I thank you from the bottom of my heart is a very feeble expression of my feelings. I thank you once more and I assure you that I shall never forget the feeling of pride which I now have in my heart towards this Encampment; I am proud to be elected.

Comrade H. J. Swift, Post 183.—Many of the members of the Committee on Resolutions are absent; I have a resolution to offer which I desire to explain. I have had considerable to do with keeping the Civil Service Law as far as it regards veterans in the public service. I am from the City of Buffalo. There we have a continuous fight with members of both parties to adjust matters. They don't like to favor the old veterans. Those who are here in convention, don't care; but it is the men who helped to do the fighting, but who are poor and who are unable to help themselves, that we are working for. They want their jobs; and they want the privilege of earning their \$1.50 a day; and the politicians are against it. I am saying this so that you may know precisely what you are voting on in this resolution. It says exactly what I mean; that is to say, that every member of the Grand Army of the Republic in the State of New York should have information as to every candidate that comes up for his suffrage, as to whether he is in favor of the old veteran comrade, or not.

Resolved, That the Department Commander appoint a committee to be composed of one comrade from each judicial district of the State whose duty it shall be to furnish information to all members of this Department as to the record and disposition of officials or would-be officials, towards the veterans of the Civil War.

When you get the information you know exactly how you ought to vote with regard to these candidates. The people will know what they are doing for the old veteran; and if they are comrades, we will see that the laws are enforced. I move the adoption of the resolution.

Comrade J. K. Darragh, Post 307.—I am in favor of the resolution; and I am familiar with the attitude of elective officers; they are in favor of or in sympathy with the veterans; for they want their votes. It is the commissioners and heads of Departments, who are appointed by these elective officers, who are hostile to the veterans. I hope that if this resolution is adopted it will be so framed that if possible, it will cover that very point. I would add as an amendment, that the Commander-elect, whoever he may be, shall have the power to appoint not one, but as many comrades as may be necessary from each district to attend the meeting of the State Civil Service Commission, so that when rules are discussed or about to be adopted, they can see to it that those rules do not injure the veterans; that is what we have to do; attend before the State Civil Service Commission of this State. I am in favor of the resolution.

Comrade Swift.—I have thought considerable upon this subject; and I thought if we had one from each judicial district, they could form a nucleus around which we could gather and get more information than if we had a larger number that did not attend to it. One from each judicial district will enable us to get the information, and God help the man that is against us.

Comrade Griffith.—I ask unanimous consent that the resolution offered by Comrade Swift be put upon its passage.

This motion was adopted.

The Commander.—The question is now upon the resolution itself.

Comrade Darragh.—I withdraw anything I may have seemed to add to it; I merely stated what I did to show the facts which have been gained in trying to enforce the Civil Service Law.

The resolution was adopted.

The tellers on the box of the Council of Administration reported as follows:

Whole number of votes cast.....	579
Of which W. S. Newman received.....	294
Robert S. Fargue.....	294
Elias T. Bragaw.....	294
R. R. Stilwell.....	294
Lewis A. Jones.....	294
William C. Smith.....	285
L. V. S. Mattison.....	285
George L. Hughson.....	285
Andrew J. Freeman.....	285
Bernard F. McGuire.....	285

The Commander.—I have the pleasure to announce that Comrades W. S. Newman, Robert S. Fargue, Elías T. Bragaw, R. R. Stilwell and Lewis A. Jones, are elected to serve as Council of Administration for the ensuing year.

The tellers on the ballot for Junior Vice Department Commander reported the result of the election as follows:

Whole number of votes cast.....	521
Of which Jared W. Wickes received.....	370
George J. Russell.....	147
Scattering.	4

The Commander.—Comrade Jared W. Wickes has been elected Junior Vice Department Commander for the ensuing year.

Comrade Henry W. Knight, Post 327.—I wish to enquire as to what became of the resolutions offered by Comrade Bakewell?

The Commander.—They were adopted under a suspension of the rules, when presented. I have received the following communication:

SARATOGA, N. Y., June 20, 1906.

Comrade JAMES M. SNYDER, *Commander, Dept. N. Y. G. A. R.*:

Dear Sir and Comrade.—On behalf of Winfield Scott Hancock, Post 259, G. A. R., I respectfully ask permission to withdraw

charges pending against the Commander of said Post, Edwin B. Coursen, and that all proceedings thereunder be estopped.

Yours truly in F. C. and L.,

L. F. WHITBECK, S. V. C.,

Acting Commander.

The Commander.—I have issued the following order:

HEADQUARTERS DEPT. NEW YORK, G. A. R.

June 21, 1906.

SPECIAL ORDER,

No. 13.

Special Order, No. 12, issued from these Headquarters, is hereby revoked, and Commander E. B. Coursen, of Post 259, is hereby fully restored to Commandership of said Post.

Dated at Saratoga, N. Y., this 21st day of June, 1906, at 12 o'clock, A. M.

By order,

JAMES M. SNYDER,

Department Commander.

OFFICIAL:

S. W. SNYDER,

Assistant Adjutant-General.

Comrade A. H. Rogers, Post 75.—I rise to a question of information; I desire to refer to the Rules and Regulations. If I understand the Rules and Regulations, charges against a member of the Grand Army of the Republic must be submitted at a meeting of the Post, ratified or voted by the Post that charges shall be made; the Rules and Regulations also provide that the Post must first vote to withdraw the charges before they can be submitted to the Department Commander. I would ask you if I am right, and if those are the Rules and Regulations? My respect for you is such that I do not want you to be blamed for any action taken here. I wish you would answer my question, whether I am right in my idea of the provisions of the Rules and Regulations.

The Commander.—I simply looked upon it as a fraternal transaction. If I have made a mistake I am sorry for it. But I believe that there is not a comrade in this Department who

would say a word against the decision that I have made, since it was done in a fraternal spirit.

The tellers on the Department Commander's box reported the result of the election as follows:

Whole number of votes cast.....	626
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Of which John S. Maxwell received.....	330
James D. Bell.....	185
Edwin H. Risley.....	75
Alfred A. Lord.....	36
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Comrade James D. Bell, Post 435.—I move that the election of Comrade Maxwell be made unanimous. I have had no interest in this matter so far as I was concerned personally except a very pleasant one; I thank those who supported me and I compliment those who opposed me on their success; and I hope for a very successful administration by Comrade Maxwell as Commander of this great Department of New York.

Comrade Risley.—Commander and Comrades: I wish to thank all those who voted for me as Commander, for their hearty support; I second the motion of Comrade Bell, and move that the vote for Comrade Maxwell be made unanimous; and that every comrade do the best he can to sustain our incoming administration.

This motion was adopted.

The Commander.—I appoint Comrades Bell and Risley a committee to escort Comrade Maxwell to the platform.

The Committee thus named escorted Comrade Maxwell to the platform.

The Commander.—I have the pleasure of introducing to you Department Commander, John S. Maxwell. Comrade Maxwell you have been elected Department Commander; do you accept?

Comrade Maxwell.—I do. Commander and comrades, the hour is late; I know that you have been as I may say, pretty nearly talked to death this afternoon. I know that you must be tired, hungry and perhaps thirsty. I know that I am. Since this morning at half past six, I have eaten just one sandwich. I have not been in the streets of Saratoga; I have not been out

of my rooms to dinner or breakfast. This has been a very strenuous day. I am glad to say that it has been entirely free from any bitterness on the part of any of the candidates. I should have been the very first to congratulate either of my opponents had they been elected. I have only a few more words to say. From the bottom of my heart I thank you one and all, who have so loyally and so earnestly stood by me; and I want to say to those comrades who have just as loyally and earnestly stood by their choice, that there is no feeling in my heart or in my mind except those of a most kind and fraternal nature. That is the way I feel toward every comrade. I have no promises to make except that I shall try to do my duty. I have no policy nor purpose to enforce against the wishes of my comrades of this Department. I ask you to help me in my efforts and encourage me and give me your loyal services and appreciation of what I may endeavor to do. I don't know that I ought to take any more of your time; but I want to say that it shall be my constant purpose to serve this Department and the comrades of this Department to the very best of my ability and to give to them my very best services. I thank you one and all. When you return from your duties with this Encampment, I wish you happiness and success. I thank you for your patient attention to what I have already said.

Comrade Edwin H. Risley.—(Presents basket of flowers.) Commander, comrades and Comrade Maxwell: On behalf of Comrade Bell and myself, I beg to present you this basket of flowers in token of our appreciation of your success, and our congratulations to the comrades for their excellent choice.

Comrade Maxwell.—I want to say that you have my heartfelt thanks for this beautiful gift; I shall take it to my wife and little girl; I know that it will be very gratifying to them.

The tellers on the box of Delegates to the National Encampment reported the result of the ballot as follows:

Whole number of votes cast.....	615
Of which Louis C. Greenleaf received.....	353
Henry E. Turner.....	257
Scattering.	4

The Commander.—The ticket headed by the name of Louis C. Greenleaf having received a majority of the votes cast is declared to be duly elected as Delegates and Alternates to the next National Encampment.

The following is the list of Delegates and Alternates elected to the next National Encampment.

DELEGATE-AT-LARGE.

	POST.
Louis C. Greenleaf.....	323

DELEGATES.

G. L. Clemons.....	642
Samuel C. Yeaton.....	197
A. G. Getten.....	587
Fred H. Cramer.....	284
J. M. Gibbs.....	412
J. J. Augustine.....	106
Harvey Trask	223
L. Y. Miller.....	222
S. N. Keener.....	99
J. M. McCloskey.....	560
D. S. Bennings.....	386
Isaac B. Thompson.....	20
Wm. H. Huyler.....	378
Crumby Bolton	141
Fred Lamb	546
J. B. Van Wie.....	27
Daniel Lawton	591
Lorenzo Smith	156
B. J. McGowan	283
J. C. Heney	163
W. W. Ryder	144
B. J. Bodine	524
David W. Lee	185
Charles H. Bouton	154
E. W. Burdick	41
Geo. O. Mead	209
Edwin V. Deuel	92

288 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

	POST.
Peter Pierson	350
R. P. Bush	6
Martin Schloss	32
P. S. Biglin	44
F. L. Schafer	24
F. E. Goldthwait	20
Christ Bange	23
W. E. White	25
F. M. McCarthy	26
R. W. Bermingham	27
S. K. Schwink	29
Charles Just	30
W. J. Barry	128
John Parsons	203
J. W. England	209
E. H. Slocum	453
A. J. Gilman	516
J. R. Silliman	607
Theo. Weberg	96
S. G. Cook	100
M. J. Cantwell	60
D. W. Crumb	456
Patrick Hayes	262
N. C. Fulton	331
Robert Morgan	1
Isaac E. Pye	32
Austin E. Yates	209
William Hobbins	202
Nelson Mattice	209
J. H. Grogan	209

ALTERNATE-AT-LARGE.

Frederick Cossum	37
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ALTERNATES.

Edward Heatherton	8
H. A. Kraus	32
A. W. Seger	461



R. H. FARGUE,
Council of Administration.

	POST.
Jos. H. Barker	29
Theo Van Ness	590
R. R. Stilwell	175
C. B. Hebble	203
Rodney Richardson	85
J. H. Everett	127
I. G. Manning	20
E. H. Sentell	109
Robt. Madden	76
Jasper Smith	199
M. Mahany	47
John Conway	285
Charles Barker	609
Elvin Farrar	329
Henry Bates	58
C. C. Spaulding	165
E. B. Black	199
E. B. Billington	292
E Hockstra	1
G. A. Drew	44
J. Flaherty	128
J. Humphreys	13
Thos. Purcell	17
Jerry Keck	257
Charles Sharp	51
Wm. G. Caw	90
Jas. R. Gibbs	498
J. S. Fassett	92
Jno. D. Dwyer	587
W. E. Kimball	381
Charles McNaughton	116
A. A. Gardner	289
Geo. H. Taft	23
Geo. Tremper	104
Joseph Hepworth	31
A. D. Daily	236
H. M. Mould	484

	POST.
Richard Jones	510
Timothy Dacy	19
Wm. S. Deyle.....	110
Willard Lawton	309
William Havens	563
Frank Kilday	415
W. B. Tallman	101
M. N. Dickinson	558
I. H. Chatfield	455
Christ Diehl	552
C. M. Woolsey	495
S. Hamburger	264
A. B. Ostrander	600
W. V. G. Riblet	557
Robert McGuire	436
J. A. Murray	136
M. Donohue	146

Each of the comrades named on this ticket received 257 votes:

DELEGATE-AT-LARGE.

Henry E. Turner	200
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DELEGATES.

H. J. Swift	183
George W. Ray	83
H. F. Tarbox	299
Nicholas W. Day	135
Solomon W. Russell	570
W. A. Brack	2
John M. Beickert	313
Roland C. Kellogg	528
Thomas Moore	38
George W. Barker	87
John M. Gibbs	412
Joseph Murphy	578
C. C. Robinson	202
N. C. Fulton	291

	POST.
Charles Thorp	330
Thomas B. Crocker	390
P. D. Leys	654
John Britting	2
William Sears	151
Edgar L. Sproat	301
A. H. Stafford	285
William Taylor	49
G. F. Bryant	147
Robert P. Bush	6
D. C. Hurd	53
Francis M. Van Wormer	587
W. R. Hill	269
E. W. Beach	9
John O'Connor	69
W. H. Daniels	354
Harry W. Knight	327
W. H. Dodge	14
Herman Clark	23
H. Douglass	111
J. G. Burney	19
Daniel F. Crowley	128
Abram Teal	397
T. H. Kiernan	148
Patrick Hayes	362
Henry S. Redman	84
George E. Curtis	133
E. B. Corsen	259
Charles Clark	388
F. A. Gray	404
Peter D. Myers	187
R. Madden	76
William Busch	152
N. J. Fields	55
L. J. Ward	103
Theodore A. Joseph	89
Charles A. Shaw	10
Hugh Lynch	26

292 PROCEEDINGS OF THE FORTIETH ANNUAL ENCAMPMENT

	POST.
P. D. Haraden	277
Francis McGuire	42
Thomas Grimes	113
Orville Moore	213
Michael Donohue	146

ALTERNATE-AT-LARGE.

	POST.
Charles McBean	254

ALTERNATES.

Wilbur F. Brown	140
Richard Kingston	409
Peter Thomas	299
C. K. Saunders	417
Joseph Hepworth	31
C. B. Hodge	39
Gerret Brier	542
W. D. Burke	7
W. H. Hoyt	2
Adam J. Wagner	542
A. Smith	66
William H. Dele	110
J. Both	85
W. W. Elden	482
H. F. Harding	91
Monroe Haskins	239
E. M. Green	413
S. N. Keener	99
W. B. Tallman	101
George Tremper	104
F. H. Sentell	109
L. C. Greenleaf	323
C. H. McNaughton	116
James Loftus	121
W. H. Hazelton	156
R. A. Ferris	126

	POST.
C. A. Bundy	141
C. A. Sumner	83
T. C. Taggart	145
W. R. Weld	98
C. S. Groesbeck	173
E. W. Kinney	425
J. K. Crandell	217
L. J. Miller	222
A. H. Schumann	233
J. A. Seekins	246
G. Erhardt	248
W. H. Rogers	266
John Grobe	180
A. P. Clark	278
E. Bell	281
R. Erwin	284
C. W. Rice	301
P. W. Beemis	324
G. B. Herrick	333
Charles Allen	226
W. W. Bennett	347
G. Humphrey	349
H. B. Steenberg	363
J. H. Hilliker	368
John Nye	379
Jacob Augustine	106
D. M. Greene	413
F. Gilday	415
W. L. Dean	420
W. H. Copell	421
S. J. Taylor	422

The officers-elect were then duly installed by Past Department Commander, Edward J. Atkinson.

Commander Maxwell.—I desire to thank you, Comrade Atkinson, on behalf of the officers-elect and of the comrades of this Encampment, for the very efficient and impressive manner in which you have discharged the duties of Installing Officer; and

I trust that you will take with you my own best wishes for your happiness and success. And, comrades, just one word before we separate finally; I wish you to also take with you to your homes my very best wishes for your happiness and your prosperity; I trust that you will all safely reach your respective homes; I think that I can no more fitly express the sentiments which animate me, than by repeating the words which are familiar to you all; as we go from this place let us not forget to take with us into our daily lives that fraternity of feeling which should bind us together as comrades; that charity which shall prompt us to the noblest sacrifices for the needy and destitute ones of our Grand Army; and that loyalty which shall prompt us to the faithful performance of our duties as citizens, and to an undying fealty to the principles of our Order.

I declare this Fortieth Encampment, Department New York, G. A. R., closed without form.

ALBANY, N. Y., *June 15, 1906.*

GEN. JAMES W. SNYDER, *Department Commander, G. A. R., State of New York:*

General.—I have the honor to submit the following report as Department Patriotic Instructor for the year ending June 22, 1906. Soon after receiving my commission as Department Patriotic Instructor I decided, after consultation with the Department Commander, to appoint an Assistant Patriotic Instructor in each county of the State. In making the selection for the several counties I was greatly aided by recommendations from the Department Commander. Those appointed accepted the office, almost without exception, and many of them have done admirable work as shown by extracts from their reports herewith submitted.

By the time the Assistants had all notified me of their acceptance of their appointments, and instructions had been sent to each regarding the duties pertaining to the office, the year was so far advanced that only a short season remained for active work. I have been greatly helped and encouraged in the work by the assistance of energetic and enthusiastic National Patriotic Instructor Comrade Allan O. Bakewell.

Reports from Assistant Patriotic Instructors so far as received,

indicate that the Empire State is in advance of most of her sister states and behind none of them—in the matter of imparting lessons in patriotism to the nearly 2,000,000 children of school age within her borders.

The Stars and Stripes are a part of the equipment of every public school building in the State, and probably of every private school as well.

Patriotic exercises in connection with such anniversaries as February 12, February 22, May 30 and June 14, have a conspicuous place in most schools, large or small, and members of the G. A. R. are among the most useful citizens in promoting them. School officers and teachers are usually in hearty accord with our comrades in observance of these exercises. I think it would be an excellent plan in future to have two Department Patriotic Instructors in the State—one for Greater New York, and one for the rest of the State. Both would have enough to do.

The following extracts from the reports of assistant patriotic instructors are encouraging not only as showing what has been done, but as indicating future possibilities along these lines:

ALBANY COUNTY.

O. D. ROBINSON, *Patriotic Instructor, G. A. R., Department of New York:*

Comrade.—In reporting for Albany County, I shall be obliged to limit myself to the schools of the City of Albany. These now register 13,000 pupils. There are 22 school buildings, including a large and crowded high school. All buildings and a majority of the rooms are provided with national flags, which are constantly in evidence and saluted every morning.

National holidays receive special attention. It has been a particular pleasure to me personally to be at the exercises in the high school on the birthdays of Washington and of Lincoln, and on the day preceding Memorial Day, and with the inspiring audience of a thousand eager students to listen with them to recitations, quotations and songs in which many of the pupils took part, and to addresses from chosen visitors, all bearing on the one patriotic theme suggested by the day.

In the written work in history, great numbers are learning to appreciate the past achievements and present position of the United States, as a world power.

I submit with this the report of the Chairman of the City G. A. R. Committee on patriotic exercises in the schools on May 29, to which I am glad to add my own high appreciation of the quality and value of these exercises. In one school which I visited, in addition to a flag drill and a drum drill, six grammar school pupils presented in a series of compositions, the six stages of the Battle of Gettysburg; the march to Pennsylvania; the first day's fight; the second day's attack; the third day's assault and repulse; the retreat and the personal experience of a woman in her own home on the battlefield during the engagements. These compositions were proposed as well as prepared by the pupils and showed not only their large intelligence on the subject, but their vital interest in one of the critical events of our history.

It is also a pleasure to state that during the past winter, the Mohawk Chapter of the Daughters of the American Revolution offered prizes for the two best essays written by pupils in the schools on subjects connected with the early history of the City of Albany.

This offer brought out a most earnest and interesting competition, involving extended study on the part of many young writers. These investigations are never forgotten.

I have the honor to be

Very respectfully yours,

W. R. EASTMAN,

*Assistant Patriotic Instructor for
Albany County.*

Albany, N. Y., June 19, 1906.

Respectfully submitted to the Department Instructor, Wm. R. Eastman, Albany, N. Y., June 19, 1906.

ALBANY, June 8, 1906.

To WM. R. EASTMAN, *Patriotic Instructor for Public Schools,
County of Albany, N. Y.:*

Comrades.—I have the honor to report that the fourth annual visit of the Grand Army of the Republic of the City of Albany

to the public schools of said city for the purpose of participating in patriotic exercises in the public schools, which occurred on the afternoon of Tuesday, May 29th, was more generally observed and with interest more increased than in any previous year since this commendable custom was instituted. Committees from the several posts of the Grand Army of the city, accompanied by members of the Woman's Relief Corps, Ladies of the G. A. R., Sons of Veterans and citizens, were present at such exercises, and all speak in the highest terms of the excellence of the programs and the fine rendering of the same by the schools. In addition to the twenty-one schools of Albany, committees of the Grand Army visited the Normal College, Albany High School and St. Vincent Asylum, where similar exercises were held. It is most gratifying to the Grand Army of Albany to note the constantly growing sentiment prevailing among our citizens, of the importance of continuing these exercises in order that pupils of both native and foreign parentage may be instructed in lessons of patriotism, loyalty to the flag of the nation under whose protective folds they expect to pass their future lives and an unswerving devotion to the institutions and laws of our government. All of which is most respectfully submitted in Fraternity, Charity and Loyalty.

W. W. BENNETT, Chairman,

*Sub. Com. on Patriotic Exercises in
Public Schools, City of Albany.*

No. 501 West 182nd Street, New York City, N. Y.,

May 15, 1906.

COL. OSCAR D. ROBINSON, *Department Instructor:*

Dear Sir and Comrade.—The short time which elapsed between the notice of my appointment as "Patriotic Instructor for New York County" (March 21st), and the date you set for a "Report upon the work in your county" (May 15th), was entirely inadequate to show any results worthy of the work required. It was hardly sufficient for your appointee to even familiarize himself with the duties and lay out any plans upon which to proceed.

I have, however, done the best I could under the circumstances, and can at this time only report "Progress," submitting the following statement of the little I could do.

Department General Order, No. 7, Par. IX, of February 27th, 1906, calls attention to the "Properly observing, with appropriate exercises * * * February 12th and 22nd, May 30th and June 14th." Two of those dates (February 12th and 22nd) had passed before the General Order had been promulgated, and so far, I have not been able to ascertain that any of our Grand Army Posts or comrades participated in the exercises held in the public schools on the SCHOOL DAY preceding those dates.

Appropriate exercises were held in all of the public schools of the city on the Friday preceding "Lincoln's birthday" and on Wednesday preceding "Washington's birthday."

A circular order from the "City Superintendent of Schools," was issued to cover those days. A similar one has been issued for appropriate exercises to be held in connection with our Memorial Day. In a few days an order will be issued by the same authority directing the observance of June 14th (Flag Day), with appropriate services and exercises. For this information and some other of equal importance, I am indebted to Mr. Josiah T. Pitts, Chief Clerk in the City Superintendent's office.

As stated before, I do not think comrades of the G. A. R. took part in the services during February, and in conversation with many Post Commanders and comrades at large, I find them so deeply engaged with matters concerning our own Memorial Day services and exercises that it is doubtful if they can make any demonstration among the public schools. There will be some exceptions however, notably at Public School No. 39, in the Borough of the Bronx, where an American flag is to be presented to that school by the Ladies of Hamilton Relief Corps in the afternoon of May 29th. The chairman of our Memorial Committee, Comrade General George B. Loud, accompanied by other prominent comrades, will attend. There may be some other isolated cases where comrades may participate in their exercises, but as yet I have no positive information.

From the above report you can see that your Instructor for this county has been able to accomplish little or nothing in connection with the three dates first given.

I have, however, devoted considerable time toward trying to have comrades and several gentlemen connected with other patriotic societies participate in the exercises on June 14th (Flag

Day) in the public schools; but the time in which I have had to work will not enable me to cover but a small portion of the field. There are 195 public schools in the Borough of Manhattan and 43 in the Borough of the Bronx.

I have requested Captain John W. England, Past Commander of Hancock Post 259, to take entire charge of that work in the Bronx and he has consented to do so. Comrade England is eminently fitted for that work and has the advantage of being able to address the youth—knows the territory—and has an acquaintance among the comrades fully equal if not better than my own. He has an admirable corps of comrades to call upon, including Comrade G. B. Loud, Chairman of our Memorial Committee, Comrade Goulden, and many others who at his request will engage in the work both for the honor of Hancock Post and of the Grand Army of the Republic. When I requested Comrade England to relieve me of this work in the territory of the Bronx I told him he should have all the credit for it and be considered equal with myself in the title of "Assistant Patriotic Instructor," and I hope that you will ratify this and give to him all honor and credit for whatever may be done in the Bronx.

Mr. J. T. Pitts, Chief Clerk in the office of the City Superintendent of Schools, has promised to send me a copy of the order to principals directing the exercises for Flag Day and as soon as received I will address a circular letter to Commanders of Posts in the city asking them to go, or designate some comrade to visit such school as may be convenient. This may cause some confusion, for some schools may have several visiting comrades and others none at all, but it is the best I can do under the circumstances. To cover the ground intelligently the Assistant Patriotic Instructor for New York County should be among the very first of staff appointments. If announced in July or August the time is none too long for a comrade who will interest himself in the work and try to see that no single school is overlooked or neglected.

I desire to say further that I have not confined myself to comrades of the G. A. R. in the furtherance of this interesting work. In several different societies I am associated with gentlemen actively interested in works of patriotism and of devotion to the American flag and what it represents.

I have extended an invitation to the following gentlemen asking them to visit one or more of our public schools on Flag Day and say a few words appropriate to the occasion.

Col. Ralph E. Prime, President American Flag Association; Archibald Fitch, President Founders and Patriots of America; Hon. Cornelius A. Pugsley, President General Sons of the American Revolution; Louis Annin Ames, Secretary Empire State Society, S. A. R., and several others. I have also asked Lieut. Gov. M. Lynn Bruce to visit Public School No. 186, where his children attend. I hope this action on my part will be approved.

In conclusion I desire to express my thanks to you for the courtesy of this appointment. It came unexpected and found me unprepared and I hardly felt that I was fitted for it.

I have found in it a pleasant study and am only sorry that I have nothing tangible to show in way of results.

Very respectfully yours in F. C. and L.,

ALSON B. OSTRANDER,

Asst. Pat. Instr.

Addendum: Since writing above report I learn that special "Memorial Services" will be held at Public School No. 119, on the afternoon of May 29th, and that Lieut. General Adna R. Chaffee will be the "Guest of Honor" and address the pupils.

I have also been furnished with the names and addresses of all the Presidents of the Woman's Relief Corps in this county, and will invite them to participate in the exercises on Flag Day.

Yours truly in F. C. and L.,

ALSON B. OSTRANDER.

TOMPKINS COUNTY.

The schools often assist in decoration service and have a regular Flag Day program.

Remarks.—You will remember that I am a species of interloper in making this report, as Comrade Chas. Mellen Tyler was appointed for this duty, he having declined as I understand. You seem to have appointed me for some cause, I know not what. As the time since receiving your blank instructions has been very short, I have had but little opportunity to comply with the requests for information. I have asked the commissioners of

the schools of the county and the Superintendent of Schools of Ithaca for a report on patriotic instruction. They have complied very well and I herewith enclose their reports. Capt. Barton, U. S. A., Commandant of Cadets at Cornell University, has promised a written report of his work in military instruction in the University, but as it has not arrived, I will repeat his verbal report.

"There are about twenty-five hundred males in Cornell, nearly all of which are required to do military duty or drill for two years of their course. The flag is raised every day at reveille and lowered at retreat, the flag is trooped on parade, and everything is carried out as nearly like West Point as it can well be done in a civilian school."

We think Tompkins County is one of the banner counties for patriotic instruction in the State. The Superintendent of the Ithaca schools is a son of a veteran and a brother of a veteran and takes deep interest in patriotic instruction, having lectures given during the year of school by prominent Grand Army men.

TOMPKINS COUNTY.

Teaching of patriotism in the schools of the First School Commissioner District of Tompkins County, N. Y.

An effort is made, I am pleased to report, to have patriotism taught in the schools.

At the beginning of the school year, I usually send a circular letter to the teachers. Inclosed is a copy of one of these letters, parts of which are marked that relate to patriotism.

When I visit the schools, I make an effort to learn what instruction has been given, results obtained, and outline plans for improvement. All depends on the teacher. Many of them make good use of the current happenings, library books, text-books, and the Manual of Patriotism which is very useful.

Many of the schools can give good flag salutes, recite many patriotic selections and sing the leading songs.

I realize the need of better instruction in patriotism, and will be glad to co-operate with any authorities who may care to give their assistance for so noble a cause.

EDWARD W. UPDIKE,

School Com. First Dist. Tompkins Co., N. Y.

TOMPKINS COUNTY.

NORTH LANSING, N. Y., *April 28, 1906.*MR. D. W. BURDICK, *Ithaca, N. Y.:*

Dear Sir.—In reply to your letter of April 27, I will say that as far as I have visited the schools, patriotism is being taught to some extent.

The flag is raised on every school day, and patriotic songs and recitations are taught.

Sincerely yours,

HATTIE K. BACK.

TOMPKINS COUNTY.

MAJOR D. W. BURDICK, *Ithaca, N. Y.:*

Dear Major Burdick.—Replying to your request as to our work in instructing our pupils along patriotic lines. It affords me great pleasure to say that patriotism is our strong point.

It is our custom to (1) require the learning by our pupils of the patriotic hymns; (2) to have a flag floating from each school-house during every day school is in session; (3) to have a flag salute taught to our grade pupils; (4) to have flag drills occasionally; (5) to have a flag in each school given over to the room where the attendance has been the best during the month. This is a great incentive and there is much competition for the honor of being the color guard.

We have distributed throughout our entire course of study, work along the lines of American history and government. Briefly stated, this consists of American history stories—about Washington, Franklin, Hamilton, Grant, McKinley, etc.,—in the lower grades, followed later by simple American history stories in readers, and so on through stories of the pioneer period, the Revolution, the Civil War, how we came to have a government, voting, what constitutes a good citizen, his duty to his city, State, and nation, on into serious text-book study of U. S. history and government for one year and a half. As you know, my father, grandfather and great grandfather were soldiers, and I want to impress every youngster that this is the greatest nation on earth.

Very truly yours,

F. D. BOYNTON,

May 28, 1906.

Superintendent.

Attention is called to the following extracts from the circular of instruction issued to trustees and teachers by Edward W. Updike, School Commissioner, 1st Dist. Tompkins County, N. Y.:

FLAG.

According to law every district must have a flag and a flag staff on which Old Glory may be displayed on pleasant days during school hours. No district should be so unpatriotic as to allow a flag to fly over their schoolhouse which is fit for the rag bag and will not fully command the respect of our boys and girls. A good flag may be purchased for two or three dollars. A small flag serves the purpose and will last much longer. There is an old soldier in nearly every district. Soldiers, kick hard if this law is not decently complied with in your district.

ONTARIO COUNTY.

Remarks.—I can only report for our own village taking part on Memorial Day. The High School had 200 children in the parade, Prof. L. H. Herrick gave a stirring address in the Tabernacle before 600 people. The veterans were enthusiastic, about 30 in line flying flags was the order of the day. As near as I learn the day was observed in every village and hamlet in the county. We are making preparations to have "Flag Day" June 14, observed. The School Commissioners, who are two, both report the Flag Law is fully complied with.

Respectfully submitted,

E. D. COPP.

STEUBEN COUNTY.

I appointed a comrade in each Post in our county as an Assistant Patriotic Instructor with instruction to report by May 1, 1906; as yet only one has so far reported. I visited four schools in one town and had a warm reception. A fine program was rendered by the pupils and they appreciated our visit with a cordial invitation to come again. The scholars were earnestly requested to join with us on Memorial Day. In these schools the flag is displayed during its session and patriotism is part of their instruction and the scholars are full of patriotism.

Fraternally yours,

C. H. FREEMAN.

ROCKLAND COUNTY.

NYACK, May 31, 1906.

This Corps has expended in its time:

18 silk flags to schools at \$2.50.....	\$45 00
1 large silk flag to S. of V.....	15 00
1 guide arms to S. of V.....	3 50
Patriotic Primers, etc.....	10 00
Other patriotic work amounting to.....	40 00

MARY M. HALLIDAY,

Pres. of W. R. C. No. 98.

ST. LAWRENCE COUNTY.

OGDENSBURG, N. Y., May 11, 1906.

MR. OSCAR D. ROBINSON, *Patriotic Instructor, Albany, N. Y.:*

Dear Comrade.—From the enclosed slip taken from the Ogdensburg Journal of the 10th inst., you will learn that I have organized a grand demonstration of the school children for Memorial Day. I wish this plan could be carried out in the entire State.

Yours in F. C. and L.,

WILLIAM H. DANIELS.

GRAND PATRIOTIC DEMONSTRATION.

PUPILS OF THE SCHOOLS TO MARCH TO THE MONUMENT

BEARING AMERICAN FLAGS ON MEMORIAL DAY.

THE AFTERNOON EXERCISES.

On the morning of Decoration Day there will be a magnificent demonstration of patriotism by the boys and girls of to-day who will be the men and women of to-morrow. Arrangements have been made whereby the scholars will assemble at their respective schools on the morning of Decoration Day and march to the Soldiers' Monument in Library Park. Ransom Post, G. A. R., has purchased 3,000 small flags to be distributed among the pupils, who will carry them in the procession. The ceremony at the monument will consist of a few short speeches by prominent citizens and will commence about 10:30 o'clock. It will conclude



W. H. DANIELS,
Council of Administration.

with singing of "America" and "The Star Spangled Banner" by the audience. Music will also be furnished by the Ogdensburg City Band.

It will be one of the grandest displays of patriotism ever made by the school children in Northern New York. To see 2,000 boys and girls grouped about the monument will be a wonderful sight. This is a very thoughtful and appropriate matter on the part of Ransom Post, and it will do much toward making the observance of the day memorable. In this connection it is not out of place to print this extract on American patriotism from a speech by Sir George White, Governor of Gibraltar:

"England is sadly lacking in education in regard to patriotism compared with the United States, where a vast population enjoy the blessings of peace and unequalled wealth, which mean the sinews of war. The Americans neglect no opportunity of educating the children of the nation to patriotism and to honor the flag above all else."

In the afternoon the regular exercises of the day will be held in the opera house. Hon. E. F. McDonald, of Albany, will be the orator. He is one of the most interesting and eloquent speakers in the State and it is hoped that the opera house will be filled, as all who go will enjoy it. Commander Daniels, of Ransom Post, has appointed the following committees for the day:

Music.—J. H. Osborn, I. T. Merry, Felix Murray, Matthew Backus.

Flowers.—W. L. Best, J. E. Woodley, C. W. McClair, Joseph Manor, George Tann.

Program.—Frank Johnson, J. C. Birge, R. FitzGerald, H. Conger, Charles Goult, Charles Snyder.

Hall.—J. A. Hubbard, G. T. Watt, John Larock.

Flags.—John Wilson, D. H. Lyon, Alex. Derochie.

Invitation to pupils attending schools.—Frank Johnson, J. C. Birge, I. T. Merry, J. E. Woodley, James Murphy, R. FitzGerald.

DELAWARE COUNTY.

REMARKS.

Dear Comrade.—I have obtained my information from our two school commissioners. It would take a man a month or more to go over entire county and visit the schools, as the county is large and hilly. Some four years ago I introduced the flags in our parade. We invite all the children of the High School to join us in the parade on Memorial Day. We find it acts as a stimulus to get the children into the parade besides making them more patriotic. We give each child that parades with us a small flag. I think we had 200 children join us in the parade this year. I think if you could get every Post to buy flags for the children on Memorial Day it would be one of the best things to teach the children patriotism.

Fraternally yours,

J. K. HOOD.

ANNUAL REPORT OF ASSISTANT PATRIOTIC INSTRUCTOR TO DEPARTMENT PATRIOTIC INSTRUCTOR.

DELHI, N. Y.

To OSCAR D. ROBINSON, *Department Patriotic Instructor*:

Comrade.—I have the honor to make the following report for the County of Delaware:

1. Number of Posts in this county, 11.
2. Number of Posts having an Assistant Patriotic Instructor, one.
3. Number of schools in this county, 345.
4. Number of pupils, 9,446.
5. Number of schools flying the flag while in session, 290.
6. Number of school rooms having a flag, 190.
7. Number of school rooms in which the flag salute is given daily, none.
8. Number of school rooms in which the flag salute is given on special occasions only, 83.
9. Number of pupils giving the flag salute, 1,973.
10. Number of schools giving military instruction, none to my knowledge.

11. Number of schools having flag drills, 40.
12. Number of schools having retired army officers as instructors, one.
13. Were national holidays recognized by appropriate exercises in schools? Yes.
14. How many flags have been donated to schools during the year? None.
15. What was the approximate cost of them? Nothing.
16. Are prizes given to pupils for patriotic essays? Think not.
17. Were the children generally invited to take part in Memorial Day exercises? Yes.
18. Were Sunday Schools invited to have special services on Sunday preceding Memorial Day? Yes.
19. Was Memorial Sunday generally observed by the churches with patriotic service? Yes.
20. Were churches and Sunday Schools decorated on Memorial Sunday? Yes.
21. Was Flag Day, June 14, generally observed by the people? Yes.
22. Was the "Address to the American People" generally distributed and published? Yes.
23. Have the Woman's Relief Corps, Ladies of the G. A. R., Sons and Daughters of Veterans, or other patriotic societies co-operated with the G. A. R. in teaching patriotism? Yes?
24. Name them.
25. Are there any objectionable school histories used in the schools of your county? None to my knowledge.
26. Designate them.
27. What is the approximate amount that has been expended in your county for patriotic instruction from July 1, 1905, to July 1, 1906? Cannot say.
28. Is there any anarchistic element in your county? I think not.
29. What is the probable number of persons holding to such principles? Have no knowledge.

Respectfully submitted,

J. K. HOOD,

Assistant Patriotic Instructor.

QUEENS COUNTY.

FLUSHING, N. Y., April 23, 1906.

Comrade OSCAR D. ROBINSON, *Department Instructor, High School, Albany, N. Y.:*

Dear Comrade.—It affords me great pleasure to report that I believe that in no county in the State is there more attention paid and more of the school time given to patriotic instruction and exercises than in Queens. Being connected with the Department of Education in the Greater New York, I have a good opportunity to see what is done in this line. In all of the schools when they have assembly in the morning, the flag is saluted and certain and various patriotic exercises are observed.

On Memorial Day and the day preceding, appropriate exercises are observed, with speaking by members of the G. A. R. The children bring an abundance of flowers for grave decorations and assist in placing flags and flowers on the graves of our comrades in the cemeteries. Queens county is not behind in patriotism. When you ask a boy what Memorial Day means, nine out of ten can tell you. I have been very ill for the past month and have not been able to give the matter the attention it deserves, but I have visited nearly all of the schools in Queens and find that I am able to render a satisfactory report. Thanking you for placing me in position to do whatever good I can in the line of patriotic instruction and with the assurance that I will do the best that in me lies, I am

Yours in F. C. and L.,

E. V. BROWN,

Comdr. Post 50, Dept. N. Y., G. A. R.

SULLIVAN COUNTY.

LIVINGSTON MANOR, N. Y., May 14, 1906.

OSCAR D. ROBINSON, *Patriotic Instructor*:

Dear Comrade.—I have been busy with the duties of Patriotic Instructor for Sullivan County for some time. The school children generally will take part in the Memorial Day exercises.

By working through our school commissioner, a particular friend of mine, I have accomplished much good work.

The work demanded of a Patriotic Instructor requires much travel and expense in this county, and I would respectfully suggest that an allowance be made by the Department to at least partially cover expenses.

Yours in F. C. and L.,

J. W. DAVIS,

Commander Purvis Post No. 347.

SCHOHARIE COUNTY.

REMARKS.

Comrade.—Owing to sickness and death of my wife, etc., I have been unable to attend to my duties as they should have been, and as I am located in the extreme corner of the county it would be very difficult to cover all the ground.

Here at Esperance, Memorial Day is the day of the year—our schools and organizations, as well as the surrounding county attend, and always have able speakers, etc.

I do not believe there is a schoolhouse in this county where the flag does not fly during school hours, and I have never heard of an anarchist here.

Our Post is small, our members being widely scattered, but we have a good record. Since organized in April, 1880, we have never failed in doing our duty.

The answers to Questions Nos. 17 to 22, relate the conditions in the part of the county with which I am familiar.

Yours in F. C. and L.,

D. NORWOOD.

ANNUAL REPORT OF ASSISTANT PATRIOTIC INSTRUCTOR
TO DEPARTMENT PATRIOTIC INSTRUCTOR.

ESPERANCE, N. Y., May 21, 1906.

To OSCAR D. ROBINSON, *Department Patriotic Instructor*:

Comrade.—I have the honor to make the following report for the County of Schoharie:

1. Number of Posts in this county, one.
2. Number of Posts having an Assistant Patriotic Instructor, one.
3. Number of schools in this county, see remarks.
4. Number of pupils, see remarks.
5. Number of schools flying the flag while in session, see remarks.
6. Number of school rooms having a flag, see remarks.
7. Number of school rooms in which the flag salute is given daily, see remarks.
8. Number of school rooms in which the flag salute is given on special occasions only, see remarks.
9. Number of pupils giving flag salute, see remarks.
10. Number of schools giving military instruction, see remarks.
11. Number of schools having flag drills, see remarks.
12. Number of schools having retired army officers as instructors, do not know of any.
13. Were national holidays recognized by appropriate exercises in schools? As far as I know.
14. How many flags have been donated to schools during the year? Do not know.
15. What was the approximate cost of them? Do not know.
16. Are prizes given to pupils for patriotic essays? Do not know.
17. Were the children generally invited to take part in Memorial Day exercises? Yes.
18. Were Sunday Schools invited to have special services on Sunday preceding Memorial Day? Yes.
19. Was Memorial Sunday generally observed by the churches with patriotic service? Yes.
20. Were churches and Sunday Schools decorated on Memorial Sunday? Yes.

21. Was Flag Day, June 14, generally observed by the people?
Yes.
22. Was the "Address to the American People" generally distributed and published? Yes.
23. Have the Woman's Relief Corps, Ladies of the G. A. R., Sons and Daughters of Veterans, or other patriotic societies co-operated with the G. A. R. in teaching patriotism?
We have none here.
25. Are there any objectionable school histories used in the schools of your county? None that I know of.
27. What is the approximate amount that has been expended in your county for Patriotic Instruction from July 1, 1905, to July 1, 1906? Unknown.
28. Is there any anarchistic element in your county? No.
29. What is the probable number of persons holding to such principles? None.

Respectfully submitted,

D. NORWOOD,

Assistant Patriotic Instructor.

HERKIMER COUNTY.

HERKIMER, N. Y., *May 15, 1906.*

GENERAL JAMES M. SNYDER, *Department Commander, G. A. R.,
State of New York:*

Dear Sir and Comrade.—I was honored, through Department Instructor, Comrade Oscar D. Robinson, with an appointment as Patriotic Instructor for Herkimer County. The notification reached me January 20th, 1906, and in the brief time at my command, I have endeavored to further the good work in which we all are so deeply interested.

It gives me pleasure to report that the educational instructors of Herkimer County are in sympathy with our plans and purposes, to further the cause of teaching patriotism in our schools and instilling into the minds of the pupils respect for the flag. Be assured that the county which bears the name of that gallant soldier who gave his life for the cause of freedom, will always be found in the forefront, in everything that counts for loyalty to country and preservation of the home, which is the foundation of every good government.

May I be permitted, my dear Commander, to make a suggestion for our future guidance? It seems to me that all committees should, if practicable, be appointed very shortly after the close of the Annual Encampment, so that practical work might be begun with the autumn months, and may I add to this the further suggestion that a uniform plan be adopted for the guidance of each member of each committee.

In the particular work of patriotic instruction, to which I have given some considerable thought, it is my best judgment that if a hundred prizes could be annually distributed to pupils in our public schools, through the medium of the State Department of Public Instruction, for the best essays on subjects appropriate to Civics and Patriotism, great good would follow. From these essays I would select say a dozen or more and have them published in the proceedings of our Annual Encampment. The prizes need not be expensive. We could doubtless secure an old bronze cannon of historic value, and from this cannon appropriate medals could be cast, such as were given pupils for prizes by our Committee some three years ago (a description of which will be found on page 266 of the Annual Encampment Proceedings for 1905). I believe we cannot overestimate the future good that would result from the giving of such medals.

Respectfully submitted,

JOHN W. VROOMAN.

DUTCHESS COUNTY.

"This report is made excluding the City of Poughkeepsie in which there are two Posts, Nos. 20 and 331, either of which could furnish data required. I had no idea of the information wanted in this line until this blank came to hand. Have made report as correct as possible, unless going personally over the entire county, which work should be given to some one with ample leisure and means.

Yours fraternally,

GEO. TREMPER."

OSWEGO COUNTY.

I received the notice of my appointment late. I was not able to visit as many schools as I would have liked to on account



W. S. NEWMAN,
Council of Administration.

of having my old wounds operated on in a surgeon's institute. Am very much interested in the work. Have done all I could under the circumstances. Will add with pleasure that our city schools that I could get to received me very cordially, and readily joined in the work.

Yours very truly,

G. P. MATTISON,

In F. C. and L.

ORLEANS COUNTY.

REMARKS.

I received my appointment so late that I was not able to make as many visits to the schools, while in session, as I would have liked to. Out in the country we have to depend on our own team to move around from one school to another, and at times it is almost impossible to travel on account of bad roads. I would advise the appointments be made before the fall terms begin.

Orleans county is an average up-to-date county, the village schools are as good as the average city schools. Out in the small schools in the rural districts the flag flies except when bad storms are on. A very little time is spent on flag drills. Most of the schools respond quickly to a call to take part in Memorial Day exercises, and on two Memorial days the children of Kendall have gone through all the service except the part from the ritual. I am proud of my own town schools.

In Albion, the county seat, I found out that the veterans do not take kindly to the idea of having the school children taking part in Memorial Day exercises; at Lyndonville the children always take part; at Holly the high school has a daily flag exercise, and the children respond to any call the veterans make. Post 298, G. A. R., is small and we are scattered over two towns; some are ten miles from the post room. I would recommend that a circular be sent to every post in the State urging the comrades to cultivate the school children.

Yours truly in F. C. and L.,

GEORGE W. SWEET.

ONEIDA COUNTY.

UTICA, April 2, 1906.

Mr. ————, *Principal.*

My Dear Sir.—I, having been appointed Patriotic Instructor for Oneida county, by Comrade O. D. Robinson, Albany, N. Y., Chief Instructor for Department of New York, G. A. R., in accepting and assuming the duties of the office, first will say, that I feel highly honored by the appointment. Second, I also appreciate the fact that great responsibilities go with the office, consequently in taking up the work I very much desire your earnest co-operation and active assistance, to the end that results may be most effective and work satisfactory to the department and national officers.

I have decided to leave the matter largely in your hands in your school. I would suggest, however, that you consult with the teachers in your school and work in unison with them. I think it would be well to hold a public meeting in school rooms, freely decorated with flags, also if possible, display a few pictures of deceased patriots. Have the children read essays and declamations, interspersed with patriotic songs, closing the exercises with an address. It will be proper to allude to the fact that the fortieth anniversary of the G. A. R. will occur April 6th. It will be impossible for me to be in attendance at your exercises, therefore will you kindly give the work in detail your attention?

Will you arrange for the exercises and hold the meeting at your earliest possible convenience, also forward me a copy of program and report of the meeting? By complying with request you will confer a great favor for which I will ever be grateful.

I hope to have in hand reports from all towns and schools by May 1st, as I must make up my report and forward same to Department Headquarters on or before May 15th. I will fully appreciate such assistance as you may render me.

Yours truly,

W. LAFAYETTE AMES,
Patriotic Instructor for Oneida County,
Department N. Y., G. A. R.

ST. LAWRENCE COUNTY.

OGDENSBURG, N. Y., *May 11, 1906.*MR. OSCAR D. ROBINSON, *Patriotic Instructor, Albany:*

Dear Comrade.—From the enclosed slip taken from the *Ogdensburg Journal* of the 10th inst. you will learn that I have organized a grand demonstration of the school children for Memorial Day. I wish this plan could be carried out in the entire State.

Yours in F. C. and L.,

WILLIAM H. DANIELS.

Permit me to add as my contribution to this imperfect report a few suggestions on the teaching of patriotism in our schools.

A patriot is a good citizen and conversely the good citizen is a patriot. Wealth or culture do not of necessity enter into the consideration one way or the other; but temperance, purity, truthfulness, filial love and parental respect, as seen in decent American homes, are the foundations of citizenship and hence of patriotism. How then shall we teach the subject? In the lower or primary grades, I believe hero tales furnish the best material with which to develop the patriotic sentiment. Children are most enthusiastic hero worshipers and every successful nursery tale must have its hero or heroine. The stories of all heroic men and women have their charm for children, and if the type is lofty it matters little whether the hero belongs to history or to myth, to ancient or modern times, to the old world or the new. Tell the story to the children and let the story teach the moral.

At a later age, when the first work of history proper is taken up, I believe there are no lessons that inspire a truer and nobler patriotism than the stories of early settlements and the struggles and hardships of the pioneer settlers of North America. Especially is this true of the early history of New England. No child can learn the story of the Mayflower and Plymouth Colony, of the fierce struggle through a century of those heroic men and women with discomfort and sickness, with poverty and deprivation, with "savage beasts and more savage men" while maintaining pure homes and planting schools, colleges and churches, and not feel a glow of pride and admiration for the actors in that great epic. I often feel that the colonial history

of our country occupies too little and the history of subsequent wars too much space in our school books.

I believe the home life of the people during our revolutionary period should receive greater attention. Those bearing arms at any time in the Continental Army were but a mere fraction of the population and their hardships were hardly greater in the field than were the struggles and privations of the people at home—with their commerce and fisheries destroyed, with no markets and almost without a circulating medium. There was both heroism and patriotism in the women and children as well as among the men. Nor were the heroes among the men all in the army. Sam Adams, Robert Morris and Benjamin Franklin are but three among scores of names fit to stand beside those of the fighters who won the highest honors on bloody fields.

One of the most important periods, almost wholly omitted in ordinary histories, is that from the close of the revolution to the adoption of the constitution. It was as Fiske so aptly terms it "The Critical Period in American History." With a national government which was merely nominal, defied at home and despised abroad, bankrupt alike in purse and in power, unable to pay a debt or resent an insult; with the states at war with each other and struggling against their debts with a worthless fiat money, our plight was indeed pitiable. It was no flight of prophetic imagination when Webster in his immortal oration for the Union spoke of "states, dissevered, discordant, belligerent; a land rent with civil feuds, or drenched with fraternal blood!" He was but rehearsing the actual conditions of things as they existed from 1781 to 1789.

But for the patriotism and the wisdom that framed and adopted the Constitution of the United States, the Declaration of Independence, the articles of confederation and the revolutionary war would long ago have ceased to be regarded as important historical data.

The opening of the great west and the endless procession of immigrants pouring through the gateway of the Mohawk and the passes of the Alleghanies, bearing with them the ark of the covenant of free religion and free education, form another grand epic in our history which will perhaps forever remain unsung for lack of a Homer or a Virgil. So, likewise, we should not

fail to emphasize the names of our great inventors from Fulton to Edison.

When we reach the high school period there are many ideas which should be emphasized that are not found on the printed page. Our young people should learn that there are good governments outside the United States, however much we may prefer our own; that other people are patriotic as well as we; that patriotism is not hatred of other nations or even of those with whom we may have been at war—England included; that American independence was won as the result of a struggle to maintain English liberty; that it was a contest fought on American soil for the benefit of the English speaking race not only in the United States but in the British Isles and their world-wide possessions. We should teach the boys and girls that our government means liberty regulated by law; that the worst form of tyranny is irresponsible tyranny, whether of corporations or associations; that all men have an equal right to sell their produce or their labor when and where they please so long as they do not violate the law of the land; that one man has as good a right to work as another has to be idle, or even as a thousand have to be idle. I would teach that our government should protect the weakest of its subjects in the farthest part of the world with all the power of its army and navy if need be, and, if need be, it should protect with the same power the individual at home as well as abroad. I would teach that politics is a duty, and one of the highest duties of the citizen; that notwithstanding the existence of the demagogue our politicians (and by those I mean the men who conduct our civil institutions) are as a rule and not an exception, honest and honorable men. Every election that takes place, whether municipal, State or national, is an object lesson which if rightly used by the teacher is worth a whole volume for teaching patriotism.

When we come to the matter of the flag and the observance of national hero days, all or nearly all must depend upon the spirit of the teacher. If he have no pride of country, no patriotic fervor, no love for the flag and sees in its defenders only a lot of worthless old "has beens" such observances will be lifeless and alike valueless to teacher and pupil. But if the teacher feels a proper interest in these occasions they may be made veritable red-letter days

not only in the school life but in the lives of the individual children. Above all should we strive to inculcate the patriotism that makes for peace rather than for war; to convince that the best citizen is the noblest patriot. "In the exercises of higher forms of patriotism, or those which in times of great national peril appeal to the heroic elements of our nature, the American people have never been found wanting. A call to arms has never failed to awaken a response. It is especially in the exercises of what may be regarded as the less heroic forms of patriotism, or those which call for the conscientious performance of ordinary political duties that a lack of public zeal and interest is often painfully evident."

I will refer to only one thing more that I would teach, along this line, viz: that right is *right* and wrong is *wrong* in national conduct just as surely as in the conduct of the individual. The motto "Our country right or wrong" is all well enough as a sentiment of what we might call natural patriotism. But the sentiment to stand by our country when wrong exists in the savage as well as the civilized. It is human nature and animal nature to stand by and for our own when wrong no less than when right, and there are times when it seems necessary to stand by our country, just as we stand by members of our family, when not approving or even when strongly disapproving their course. But we need no urging to this; it is an instinct in the lower animal and largely instinctive in man. The best modification of this motto that I have ever heard was by an old New England pastor at the outbreak of the Civil War. It was on New Year's eve, 1861, that a company of students from a small academy in one of the hill towns of New England made a call upon the old pastor carrying with them a little donation of money, in return for which the old minister gave them much good moral advice and read a long poem of which I distinctly remember only this single stanza:

"Stand by your country right or wrong,
Nor ever turn and fight her;
Aid her when right and when she's wrong
Join hand to hand and right her."

Respectfully submitted,

OSCAR D. ROBINSON,

Patriotic Instructor, Department of N. Y.

APPENDIX.

STATE CONSTITUTIONAL PROVISION VOTED ON BY
THE PEOPLE, TAKING EFFECT JANUARY 1, 1895.

ALSO

LAWS AFFECTING WAR VETERANS PASSED BY THE
LEGISLATURE SINCE 1885 DOWN TO AND
INCLUDING THE SESSION OF 1905.



H. F. TARBOX,
Council of Administration.

STATE CONSTITUTION.

Article V, Section 9. . . . Appointments and promotions in the civil service of the state, and of all the civil divisions thereof, including cities and villages, shall be made according to merit and fitness, to be ascertained, so far as practicable, by examinations, which, so far as practicable, shall be competitive; provided, however, that honorably discharged soldiers and sailors from the army and navy of the United States in the late civil war, who are citizens and residents of this state, shall be entitled to preference in appointment and promotion, without regard to their standing on any list from which such appointment or promotion may be made. Laws shall be made to provide for the enforcement of this section.

LAWS OF 1885.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Section 12, title 4, chapter 7, part 1, Revised Statutes.]

CHAPTER 8.

An act to prevent persons from unlawfully using or wearing the badge of the Grand Army of the Republic of this State.

Passed February 4, 1885; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any person who shall willfully wear the badge of the Grand Army of the Republic, or who shall use or wear the same to obtain aid or assistance thereby within this State, unless he shall be entitled to use or wear the same under the rules and regulations of the Department of New York, Grand Army of the Republic, shall be guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment for a term not to exceed thirty days or a fine not to exceed twenty dollars, or by both such fine and imprisonment.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

CHAPTER 38.

An act to further amend chapter two hundred and three of the laws of eighteen hundred and eighty-one, entitled "An act to authorize the burial of the bodies of any honorably discharged soldier, sailor or marine who shall hereafter die without leaving means sufficient to defray funeral expenses," as amended by chapter two hundred and forty-seven of the laws of eighteen hundred and eighty-three, and chapter three hundred and nineteen of the laws of eighteen hundred and eighty-four.

Passed February 27, 1885; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and three of the laws of eighteen hundred and eighty-one, entitled "An act to authorize the burial of the bodies of any honorably discharged soldier, sailor or marine who shall hereafter die without leaving means sufficient to defray funeral expenses," as amended by chapter two hundred and forty-seven of the laws of eighteen hundred and eighty-three, and chapter three hundred and nineteen of the laws of eighteen hundred and eighty-four, is hereby further amended so as to read as follows:

§ 1. It shall be the duty of the board of supervisors in each of the counties of this State to designate some proper authority, other than that designated by law for the care of paupers and the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor or marine, who served in the army or navy of the United States during the late rebellion, or in the war with Mexico in the years eighteen hundred and forty-six, eighteen hundred and forty-seven and eighteen hundred and forty-eight, who shall hereafter die without leaving means sufficient to defray funeral expenses, but the expenses of such funeral shall not in any case exceed the sum of thirty-five dollars. In case the deceased has relatives or friends who desire to conduct the burial, and who are unable or unwilling to pay the charge therefor, then the said sum shall be paid to them, or their representative by the county treasurer, upon due proof of the death and burial of any person provided for by this section.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, .
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FRANK RICE,
Secretary of State.

LAWS OF 1886.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Section 12, title 4, chapter 7, part 1, Revised Statutes.]

CHAPTER 173.

An Act to empower the boards of supervisors of the several counties of the State of New York to vote money for the erection, repairing or remodeling of monuments to the veterans of the late war of the rebellion.

Passed April 21, 1886; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The boards of supervisors of the several counties of the State of New York are hereby authorized and empowered by a vote of two-thirds of all the members of such boards respectively, to raise and appropriate such moneys as such boards deem necessary for the erection within their respective counties, of public monuments in commemoration of the veterans of the late war of the rebellion, and for repairing and remodeling such monuments.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

CHAPTER 422.

An Act to amend subdivision two of section twenty-four, article second, title one, chapter sixteen, part one of the revised statutes, relating to persons liable to work on highway, and the making of assessment therefor.

Passed May 19, 1886; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section twenty-four, article second, title one, chapter sixteen of the revised statutes, is hereby amended so as to read as follows:

§ 2. Every male inhabitant being above the age of twenty-one years (excepting all honorably discharged soldiers and sailors who lost an arm or a leg in the service of the United States during the late war, or who are unable to perform manual labor by reason of injuries received or disabilities incurred in such service, ministers of the gospel, persons seventy years of age, and priests of every denomination, paupers, idiots and lunatics) shall be assessed at least one day.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

CHAPTER 466.

An Act to provide for designating the positions and movements of the troops of the State of New York on the battlefield of Gettysburg.

Passed May 26, 1886; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Daniel E. Sickles, Henry W. Slocum, Joseph B. Carr, Charles A. Richardson and the adjutant-general of this

State are hereby appointed commissioners for the State of New York, to determine the position and movements at the battle of Gettysburg of the several military organizations of this State that took part in that battle, and to do such other acts relating thereto as may be hereafter required.

§ 2. Said commissioners shall determine such positions and movements by means of such records, reports, maps and surveys as may be had, and by such other aids and means as they may judge necessary therefor; and they shall report their proceedings to the legislature at its next session, with such recommendations as they shall judge proper to secure the permanent marking of the movements and positions of such troops.

§ 3. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expense of such commissioners in carrying out the provisions of this act.

§ 4. In case of the resignation, refusal to serve, death or inability of either of said commissioners to perform the duties required, the governor shall fill the vacancy by appointment.

§ 5. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

CHAPTER 668.

An Act to authorize the adjutant-general of the State to issue certain arms, accoutrements and ammunition to posts of the Grand Army in this State.

Passed June 15, 1886; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The adjutant-general of the State is hereby authorized, upon requisition of the commander of any regularly organized post of the Grand Army of the Republic in this State, to

issue and deliver to said post, to be used by the firing squad of said post, twelve stands of arms complete.

§ 2. Said arms shall be issued in like manner and under like conditions and subject to the same regulations as arms are issued to organizations of the National Guard of this State.

§ 3. The adjutant-general is hereby authorized also to issue, or cause to be issued, upon like requisition of the commander of such post, sufficient ammunition for the use of such firing squad.

§ 4. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } *ss.:*

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

LAWS OF 1887.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Section 12, title 4, chapter 7, part 1, Revised Statutes.]

CHAPTER 259.

An Act to provide for the erection of suitable monuments to the memory of the soldiers of the State of New York who were engaged in the battle of Gettysburg.

Passed May 3, 1887; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commissioners appointed by and pursuant to chapter four hundred and sixty-six of the laws of eighteen hundred and eighty-six, are hereby authorized and directed to erect a monument on the battlefield of Gettysburg, in the State of Pennsylvania, to each of the regiments and batteries of the State of New York hereafter mentioned, at an expense of fifteen hundred dollars each, upon the site which shall have been designated by said commissioners as the principal and proper position of such regiment or battery on said battlefield; but prior to the erection of such monuments, the commissioners shall secure through the Gettysburg Battlefield Memorial Association, a corporation formed by an act of the General Assembly of the State of Pennsylvania, approved April thirtieth, eighteen hundred and sixty-four, or by other proper means, the dedication of the ground upon which each of said monuments shall rest, to the memorial purposes for which said monuments shall be erected, with the right of free access thereto by the public, subject nevertheless, to the rules and regulations of said memorial association for the protection and preservation of said grounds and the monu-

ments to be erected thereon. The following are the regiments and batteries for which monuments shall be erected under the provisions of this act: The fifth, sixth, eighth, ninth and tenth regiments of the New York cavalry; batteries B, C, D, G, I, K, L and M of the first regiment of New York light artillery; the first, third, fourth, fifth, sixth, thirteenth and fifteenth New York independent batteries, and the tenth, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-ninth, fifty-second, fifty-fourth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-sixth, seventy-seventh, seventy-eighth, eightieth, eighty-second, eighty-third, eighty-fourth, eighty-sixth, eighty-eighth, ninety-third, ninety-fourth, ninety-fifth, ninety-seventh, one hundred and second, one hundred and fourth, one hundred and seventh, one hundred and eighth, one hundred and eleventh, one hundred and nineteenth, one hundred and twentieth, one hundred and twenty-first, one hundred and twenty-second, one hundred and twenty-third, one hundred and twenty-fourth, one hundred and twenty-fifth, one hundred and twenty-sixth, one hundred and thirty-fourth, one hundred and thirty-sixth, one hundred and thirty-seventh, one hundred and fortieth, one hundred and forty-fifth, one hundred and forty-sixth, one hundred and forty-ninth, one hundred and fiftieth, one hundred and fifty-fourth, one hundred and fifty-seventh regiments of New York infantry, and the first regiment of United States sharpshooters.

§ 2. In case any proper representative organization of the survivors of any such regiment or battery shall desire to have one or more monuments to such regiment or battery erected at a greater expense than fifteen hundred dollars, such organization may present its application with designs and specifications for such monument or monuments, and estimates of the cost thereof, and said commissioners may, in their discretion, approve of such designs and specifications, or of any modification thereof, or substitute therefor, which shall be offered by such organization, and when the designs and specifications of such organization shall have been approved and accepted, the said commissioners may erect such monument or monuments upon the condition that such

organization shall pay all the expenses thereof, in excess of fifteen hundred dollars. And such commissioners may make such rules and regulations as they may deem necessary and proper to carry out the provisions of this section, and to protect the State in the erection of such monuments. In case any regiment or battery mentioned in section one of this act, or such representative organization thereof, shall have heretofore erected on said battlefield, at its own cost, any monument in its own behalf, such commissioners are hereby authorized, in their discretion, to expend the sum herein appropriated for such regiment or battery, or such portion thereof as they may deem necessary, in the further commemoration thereof, in such manner as such duly authorized representatives may designate, not inconsistent with the purposes of this act.

§ 3. The said commissioners shall have full control, in every respect, of the erection of said monuments, but each monument shall bear upon some conspicuous part thereof, the coat of arms of the State of New York, and, so far as practicable, a statement of the precise time when the position was held by the regiment or battery during the battle.

§ 4. The said commissioners are hereby directed to consult and advise with the survivors of said regiments and batteries, so far as practicable, concerning the designs of said monuments, and the inscriptions to be placed thereon, and to prescribe rules and regulations to govern the consideration and determination of the matters relating thereto.

§ 5. When said monuments shall have been erected to the satisfaction of the said commissioners, as provided by this act, the care and custody of them may be intrusted to the said Gettysburg Battlefield Memorial Association for protection and preservation in accordance with the rules and regulations of said association therefore; provided, however, that the dedication of such grounds as is provided for in section one of this act shall be in such form and be evidenced by muniments of title, or right of visitation and supervision as shall satisfy the attorney-general of this State, that the purposes thereof shall be forever secured to the citizens of this State, to wit: The right of free access to such grounds, and that the State of New York shall have the right at all times to take such proper measures to secure the protection and preser-

vation of said monuments and the grounds on which they stand, as shall be consistent with the sovereignty and jurisdiction of the State of Pennsylvania, which muniment of title or of right shall be duly recorded in the proper office in the county in which the grounds lie, and shall be deposited and preserved forever in the office of the secretary of state of this State.

§ 6. The said commissioners are hereby further authorized and directed to cause to be erected upon said battlefield a suitable memorial structure to the memory of the officers and soldiers of the State of New York who fell on the battlefield of Gettysburg; and said memorial structure and an appropriate inscription thereon shall especially relate to the New York soldiers who are buried in the National Cemetery at Gettysburg.

§ 7. The said commissioners are hereby authorized to enter into contract or contracts for the purpose of carrying out the provisions of this act, which shall provide for the erection of the memorial structure authorized by section six of this act, at a cost to the State which shall not exceed the sum of fifty thousand dollars; and for the erection of the several monuments authorized by section one of this act, at a cost to the State which shall not exceed the sum of fifteen hundred dollars each; and the sum of sixty thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to be applied and expended on such contract or contracts; and the following sums, or so much thereof as may be necessary, are hereby appropriated from the same fund for carrying out the provisions of this act, to wit: The sum of ten thousand dollars, or so much thereof as may be necessary, for securing proper sites for all of said monuments, and suitable avenues leading thereto; and the sum of ten thousand dollars, or so much thereof as may be necessary, for the payment of the services of the necessary engineers, surveyors, agents and employes of said commissioners, and for such other expenses as may be required to carry out the provisions of this act, including the actual and necessary traveling and other contingent expenses incurred by said commissioners in the discharge of their duties, and for compensation for their services not exceeding ten dollars per day for each day actually employed therein.

§ 8. The money hereby appropriated shall be paid by the treasurer upon the warrant of the comptroller, on proper vouchers therefor, to be approved by the comptroller, and duly audited and approved by said commissioners, and certified by the presiding officer of said board of commissioners, and the said commissioners shall make a full report of their proceedings to the next legislature, and at such other times as may be hereafter required by the governor or legislature.

§ 9. It shall be the duty of the governor, from time to time, as he shall deem proper, at least once in every three years, to cause to be inspected all the monuments which shall be erected under this act and the grounds and avenues secured therefor, and to examine and inquire into the means employed for their protection and preservation, and report their condition, with such facts in relation thereto as he may deem proper, to the legislature.

§ 10. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FRANK RICE,
Secretary of State.

CHAPTER 291.

(Defining admissions to universities; eligibility thereto, etc.)

Section seven of this law reads as follows:

In certifying the qualifications of the candidates, preference shall be given (where other qualifications are equal) to the children of those who have died in the military or naval service of the United States.

LAWS OF 1888.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Section 12, title 4, chapter 7, part 1, Revised Statutes.]

CHAPTER 62.

An act to amend chapter six hundred and forty-four of the laws of eighteen hundred and eighty-six, entitled, "An act to enable any county, city or town in the State of New York to lease its public buildings, or a part thereof, to posts of the Grand Army of the Republic."

Approved by the Governor March 19, 1888. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter six hundred and forty-four of the laws of eighteen hundred and eighty-six, entitled "An act to enable any county, city or town in the State of New York to lease its public buildings, or a part thereof, to posts of the Grand Army of the Republic," is hereby amended so as to read as follows:

§ 1. Any county, city, town or village in the State of New York, is authorized to lease, or grant the use of, for a period not exceeding five years, to any post or posts of the Grand Army of the Republic, or other veteran organizations of honorably discharged soldiers, sailors or marines of the late war, any public building, or any part thereof, belonging to such county, city, town or village, except school-houses, in actual use as such, without expense, or at a nominal rent to be fixed by the board of supervisors of such county, or the board of aldermen of such city, or the board of trustees of such village, or the board of town officers of such town having charge of such buildings.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

CHAPTER 207.

An Act to provide for the preservation of the records and history of the Grand Army of the Republic, Department of New York.

Approved by the Governor May 1, 1888. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The superintendent of public buildings shall set apart a suitable furnished room in the new capitol, if one can be there had; if such can not be furnished he shall set apart such room in some other public building in Albany, which room shall be under the charge of the commander of the Grand Army of the Republic, for the Department of New York, and such officers, also members of the Grand Army of the Republic, as he or his successors in office may appoint, and said room shall be used by such commander for the purpose of storing its supplies and property, relics and mementoes of the war, arranging and preserving the history of individuals who served in the army, navy or marine corps during the late war of the rebellion, who belonged to organizations of this State, or citizens of this State who served in the regular army, navy or marine corps of the United States, which said Grand Army of the Republic may collect and desire to preserve as a part of the history of the State, and such records shall be accessible at all times under suitable rules and regulations to members of the Grand Army of the Republic and others engaged in collecting historical information.

§ 2. The commander of the Grand Army of the Republic, Department of New York, shall annually report to the legislature, on or before the first day of April of each year, such portions of the transactions of the Grand Army of the Republic as he may deem to be of interest to that organization and the people of the State.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

CHAPTER 299.

An Act to amend chapter two hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in the defense of the Union," as amended and supplemented by chapter thirty-five of the laws of eighteen hundred and seventy-five, and chapter one hundred and thirty-six of the laws of eighteen hundred and seventy-seven.

Approved by the Governor May 15, 1888. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter two hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in the defense of the Union," as amended and supplemented by chapter thirty-five of the laws of eighteen hundred and seventy-five, and chapter one hundred and thirty-six of the laws of eighteen hundred and seventy-seven, is hereby amended so that sections one to eight thereof, inclusive, shall respectively read as follows:

§ 1. Any number of persons residing in this State, not less than three, who shall desire to form an association for the purpose of erecting a monument or monuments to perpetuate the memory of the soldiers and sailors who served in the late war, in defense of the Union, may meet at such places as they may agree, and appoint a chairman and secretary, by a vote of a majority of the persons present at the meeting, and proceed to form an association by determining upon a corporate name by which the association shall be called or known, by determining on the number of trustees to manage the concerns of the association, which shall not be less than six nor more than twelve, and may thereupon proceed to elect by ballot the number of trustees so determined upon.

§ 2. The chairman and secretary of the meeting shall, within six days after such meeting, make a written certificate and sign their names thereto, and acknowledge the same before an officer authorized to take the proof and acknowledgment of conveyances in the county where such meeting shall have been held, which certificate shall state the names of the associates who attended such meeting, the corporate name of the association determined upon by the majority of the persons who met, the number of trustees fixed on to manage the affairs of the association, the names of trustees chosen at the meeting, which certificate the chairman and secretary of such meeting shall cause to be recorded in the clerk's office of the county in which the meeting was held in a book to be appropriated for the recording of certificates of incorporation.

§ 3. Upon such certificate, duly acknowledged, as aforesaid, being recorded, the association mentioned therein shall be deemed legally incorporated, and shall have and possess the general powers and privileges and be subject to the liabilities and restrictions contained in the third title of the eighteenth chapter of part first of the revised statutes, except that each subscriber shall be found to pay only to the amount subscribed by him. The affairs and property of such association shall be managed by the trustees, who shall appoint from among their number a president, vice-president, secretary, and a treasurer, who shall hold their places during the pleasure of the board of trustees; and the trustees may require the treasurer to give security for

the faithful performance of the duties of his office, and if a vacancy shall occur in said board of trustees, or in any offices, by death, resignation, refusal to act, or otherwise, of any trustee or officer of said board, the then remaining trustees, at any legal meeting of said trustees, shall, and may, as they are hereby authorized, and required to elect and choose a fit person or persons to fill up and supply such vacancy or vacancies; provided, however, the then remaining members of said board of trustees shall have been notified that such vacancy or vacancies in such board or its officers will be then filled; and a majority of the then trustees shall be necessary to form a quorum for the transaction of business; and the services of said trustees and officers shall be gratuitous.

§ 4. Any association incorporated under this act, or the act hereby amended, may take by purchase or devise or otherwise, and hold within the county in which the certificate of its incorporation is recorded, not exceeding five acres of land, to be held and occupied exclusively for the erection of a suitable monument or monuments to perpetuate the memory of the soldiers and sailors of the town, city or county in which such monument or monuments shall be erected, who served during the late war in the defense of the Union, and such association may erect such monument or monuments upon any public street, square or ground of any town, city or village, with the legal consent of the proper officers of such town, city or village, or may purchase or accept the donation of any lands suitable for that purpose; and may take and hold any property, real and personal, devised, bequeathed, or given upon trust, to apply the same, or the income or proceeds thereof, under the direction of the trustees of such association, for the improvement or embellishment of such monument or monuments, or the erection or preservation of any structures, fences or walks erected, or to be erected, upon the lands of such association, or for the repair, preservation, erection or renewal of such monument or monuments, fence or other structures in, around or upon said lands, or for planting and cultivating trees, shrubs, flowers or plants in, around or upon any such lands, or for improving or embellishing the same in any manner or form consistent with the design and purposes of the association, according to the terms of such grant, devise or bequest, but the annual income of such estate, over and above the amount that may be expended

in the purchase of grounds, and in the erection of said monument and monuments, and in inclosing, laying out and ornamenting the same, shall not exceed the sum of five thousand dollars.

§ 5. The property of any association formed pursuant to this act shall be exempt from levy and sale on execution, and from all public taxes, rates and assessments, and no street, road, avenue or thoroughfare shall be laid through the lands of such association held for the purposes aforesaid, without the consent of the trustees of such association, except by special permission of the legislature of the State.

§ 6. A tax may be imposed, levied and collected on the taxable property of any town or city in which such monument or monuments may be erected for the purpose of repairing or improving the same and the grounds thereof; such tax shall be imposed in the manner prescribed by law for imposing general taxes in such town or city as are now authorized to be imposed.

§ 7. Any association heretofore incorporated under the original act, or which may hereafter be incorporated under this act, may take, by gift or otherwise, any lots or lands in any cemetery within the county in which the certificate of its incorporation is recorded to be used and occupied exclusively for the burial of honorably discharged soldiers and sailors who served in the late war in the defense of the Union, and for the erection of suitable monuments or memorials therein.

§ 8. Any such association may erect, as the monument contemplated by this act, a memorial hall or building, and may take and hold the real estate, necessary or proper for that purpose, not to exceed in amount the sum of twenty-five thousand dollars, and the real estate held for the purposes of such memorial hall or building shall not be exempted from taxation.

§ 2. Chapters thirty-five of the laws of eighteen hundred and seventy-five, and one hundred and thirty-six of the laws of eighteen hundred and seventy-seven are hereby repealed.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

CHAPTER 528.

An Act to amend chapter seventy-one of the laws of eighteen hundred and eighty-four, entitled "An act to authorize the use of State armories by associations of discharged soldiers."

Approved by the Governor June 9, 1888. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter seventy-one of the laws of eighteen hundred and eighty-four, entitled "An act to authorize the use of State armories by associations of discharged soldiers," is hereby amended so as to read as follows:

§ 1. On the application of one or more posts of the Grand Army of the Republic or other veteran organizations of honorably discharged Union soldiers, sailors or marines of the late war, approved by the general or other commanding officer of brigade of the National guard in whose jurisdiction armories, the property of the State, are located, subject also to the adjutant-general and under such restrictions as he may prescribe, the officer in charge of any State armory designated by the adjutant-general shall provide a proper and convenient meeting-room or rooms in such armory where said post or other veteran organizations may hold regular or special meetings, either or both, without the payment of any expense therefor.

§ 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

LAWS OF 1889.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Section 12, title 4, chapter 7, part 1, Revised Statutes.]

CHAPTER 5. .

An Act to establish the Mount McGregor Memorial Association.

Approved by the Governor January 31, 1889. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. William J. Arkell, William Warner, commander-in-chief of the Grand Army of the Republic; N. Martin Curtis, department commander of the Grand Army of the Republic for the Department of New York; Josiah Porter, adjutant-general State of New York, and John Kellogg, president of the Saratoga, Mount McGregor and Lake George Railroad Company, are hereby created a body politic and corporate, to be known as the Mount McGregor Memorial Association, which association shall be located in the town of Moreau, in the county of Saratoga, in this State. The corporation hereby created shall have all the rights and privileges necessary to the accomplishment of the object of its creation as declared in this act.

§ 2. The successors of said William Warner, N. Martin Curtis, Josiah Porter and John Kellogg in their said respective offices shall be their successors respectively as incorporators of said association, so long as there shall be successors in said offices. Vacancies in said board of corporators occurring from any cause, other than as herein provided, shall be filled by the remainder of the board when a vacancy occurs. In case of a failure to fill vacancies as hereinbefore provided, the governor of the State shall fill the same.

§ 3. This corporation is created for the purpose of receiving the title to the Drexel cottage on Mount McGregor, in said Moreau, in which the late Ulysses S. Grant passed the last months of his life and died, and the lot of land on which said cottage stands, and the contents of said cottage, and of holding and maintaining the same forever. And the receiving, holding and maintaining of said premises is declared to be a trust in behalf of the surviving comrades in arms of General Grant and of the whole American people. And upon application, in appropriate form, by any corporator or by the attorney-general of the State in behalf of the people, the courts of this State shall have jurisdiction in the premises the same as in the case of other trusts of public character.

§ 4. This corporation is prohibited from alienating said real estate and from disposing of or removing any of the contents of said cottage specified in section three of this act, except as herein provided. It may receive donations of money or other property by gift, deed or bequest, solely for the purpose of being used in principal or income, as designated by the donors, for the care and maintenance of said premises in their present condition, without change in any respect, further than is necessary to thus preserve the same, but shall not receive donations beyond what is reasonably necessary to produce an income adequate for such use. And said corporation may sue and be sued, and have corporate seal, and may have a president, secretary and treasurer, who shall be corporators, and whose duties shall be such as usually pertain to these officers, respectively, in similar corporations.

§ 5. The corporators shall have the care and management of said premises and the property of the corporation, and may appoint such officers and servants as may be required in such care and management, and shall allow the public to visit the same under reasonable regulations in that behalf, to be prescribed by the corporators. They shall allow no persons in their employment in the care of said premises and property, or other person upon the premises, to do anything with the same for private gain. The corporators may make by-laws appropriate under this act. A majority of the corporators living may decide in the performance of corporate duties herein imposed or provided.

§ 6. The corporators shall receive no compensation for their services but may receive their actual expenses in the performance of their trust. But this and all expenses shall be payable only out of donations to said corporation.

§ 7. Said premises and the contents thereof as now existing, so long as the same shall be owned and held by said corporation, shall be exempt from taxation for any purpose, and from attachment or levy of execution upon any debts, claims or judgments against said corporation or any other person, and shall not be made chargeable or become subject to any lien on any account whatever.

§ 8. In the event that said cottage should be destroyed by fire, then the land expected to be conveyed to this corporation with the cottage and its contents, as a gift by the representatives of the estate of Joseph W. Drexel, late of New York city, deceased, in order to carry out his intention had he lived, shall revert to said estate and the other property of said corporation shall be devoted to such appropriate public and charitable uses as the corporators shall appoint.

§ 9. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

CHAPTER 92.

An Act to amend chapter eleven of the laws of one thousand eight hundred and eighty-five, entitled "An act for the incorporation of the Department of New York, Grand Army of the Republic."

Approved by the Governor March 29, 1899. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section five of chapter eleven of the laws of one thousand eight hundred and eighty-five, entitled "An act for the

incorporation of the Department of New York, Grand Army of the Republic," is hereby amended so as to read as follows:

§ 5. When said corporation shall be finally dissolved, its property remaining after payment of all its debts shall become the property of the State of New York and be preserved in a museum to be provided therefor.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

LAWS OF 1890.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Section 12, title 4, chapter 7, part 1, Revised Statutes.]

CHAPTER 118.

An Act for the incorporation of social, literary, charitable and historical societies among Union veterans or their descendants.

Approved by the Governor April 18, 1890. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Any number of persons, not less than twenty-five, of full age, citizens of the United States and the State of New York, who shall be honorably discharged soldiers or sailors of the Union army or navy or lineal male descendants* of such soldiers or sailors, who shall desire to associate themselves together for social, literary, patriotic, charitable and historical purposes, may make, sign and acknowledge, before any person authorized to take the acknowledgment of deeds in this State, and file in the office of the secretary of state and also in the office of the clerk of the county in which the business of such society is to be conducted, certificates in writing, in which shall be stated the name or title by which such society shall be known in law, the particular objects and business of such society, the number of trustees or managers who shall conduct the same and the names of fifteen trustees or managers, one-fifth of whom shall retire at the end of the first year, and one-fifth at the end of each successive year of the existence of such corporation; but such certificate shall not be filed unless by the written consent and approbation of one of the justices of the supreme court of the district in which such society is located and

* So in the original.

where its business is to be conducted, to be indorsed on such certificate.

§ 2. Upon filing a certificate as aforesaid, the persons who shall have signed such certificate and their associates and successors, shall thereupon by virtue of this act, be a body politic and corporate by the name stated in such certificate, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued and they may adopt and use a common seal, and may alter and change the same at pleasure; and they and their successors by their corporate name shall be capable in law of taking, receiving, purchasing and holding real estate for the purposes of this incorporation, and for no other purpose, to an amount not exceeding the sum of one million dollars in value, and in addition thereto, all such cabinets, books, papers, paintings, flags, banners, statues, medals, relics, trophies, historical evidences and other personal estate as shall be necessary for maintaining the objects and carry into effect the purposes of said corporation. And all sums over and above the necessary expenses and maintenance of such society and property, and to satisfy principal or interest upon any mortgages, loans or bonds, shall be reserved and held by said managers as a fund for purchase of memorials, preservation of relics and historical evidences and trophies, and for charity to Union veterans, their families or descendants; and they may make by-laws for the conduct of its affairs not inconsistent with the laws of this State or of the United States, and shall have power to elect and appoint the officers and agents of such society and allow them a suitable compensation.

§ 3. The said real and personal estate, however invested, together with the property in said cabinets, books, papers, paintings, flags, banners, statues, medals, relics, trophies and historical evidences, shall be divided into bonds of one hundred dollars each, which shall be deemed personal property, and be transferable as such. Each subscriber shall be allowed individually to the amount unpaid on the bonds held by him, and no more, for all the debts and liabilities of such corporation.

§ 4. There shall be a board of fifteen trustees of every corporation formed under this act to manage its affairs, and said trustees shall be chosen by ballot for terms of five years each, three

to be chosen each successive year by a majority of votes of the bondholders voting at such election in such manner as may be prescribed by the by-laws, and they shall continue and be trustees until others are elected in their places. Vacancies shall be filled by the trustees as the by-laws shall provide. A failure to hold or make an election shall not dissolve said corporation, and the trustees in such case shall provide for a new election, which election the trustees shall cause to be duly made. The inspectors of the first election shall be chosen by the board of trustees named in the certificate. Subsequent inspectors shall be elected in the same manner and at the same time as the said trustees.

§ 5. The annual meeting of said corporation for the choice of treasurer and other business shall be held on the last Monday of January in each year, or such other day as the corporation shall in its by-laws prescribe for that purpose, and special meetings thereof shall be called on the requisition of holders of one-tenth in amount of the bonds, made in writing to the board of trustees, which requisition shall express the object of such meeting. The by-laws shall not be amended, altered or repealed except at the annual meeting or special meeting duly called as prescribed therein, notice of which shall be given in all notices therefor. At every meeting of the corporation the owner in his own right of the bonds of the corporation shall be privileged to cast one vote for every bond so held, provided the same be produced or evidence of such ownership be lodged with the trustees and entered on the books of the same. Bonds of the corporation shall be secured by mortgage, and the interest payable thereon shall be at the rate per centum fixed in said instrument of mortgage, but not to exceed six per centum. Authority to mortgage the property of the corporation shall be by resolution of the corporation at its annual meeting or a meeting specially called for that purpose as aforesaid. Second-mortgage bonds may be prepared and furnished to subscribers and interest thereon* in money not exceeding six per centum per annum may be paid by the vote of the trustees, annually, at the rate and amount earned and received by the corporation as shown by the statement at the annual meeting, to every owner and holder without distinction or difference, except as hereinafter provided.

* So in the original.

§ 6. No person shall hold and exercise the office of trustee unless he be a bondholder, holding bonds in his own right; and in addition thereto shall be either an honorably discharged soldier or sailor from the army or navy of the United States, or the lineal male descendant of such soldier or sailor of the United States of America or army of the associated colonies which established the United States, and only such persons shall vote for such trustees. The by-laws shall determine what evidence shall be required to establish the right to vote for trustees and eligibility thereto, and the inspectors shall enforce the same. The trustees shall appoint from their own number a president and other officers, but such officers shall not receive any salary or money compensation therefor. They may also appoint such necessary agents and servants as the by-laws shall prescribe.

§ 7. The estate, property and funds of said corporation shall be owned, held for and devoted solely to the patriotic, historical and charitable uses and purposes and objects of Union veterans honorably discharged from the army or navy of the United States of America, and the descendants of such Union veterans of the United States and the colonies which formed the same, and while so owned, held and devoted, shall be free from all taxation by the laws of this State.

§ 8. Every corporation formed under this act shall have power from time to time to borrow such sums of money as shall be necessary to construct, complete, operate or extend its building, library, museum, gallery, or the furniture and appurtenances thereof, and to issue its bonds for any amount so borrowed, and to mortgage its corporate property to secure the payment of any debt contracted by the corporation for the purposes aforesaid.

§ 9. All corporations formed under this act, together with its books and vouchers, shall be subject to the visitation and inspection of the justices of the supreme court, or by any person or persons who shall be appointed by the supreme court for that purpose; and it shall be the duty of the trustees or a majority of them, in the month of December of each year, to make and file in the county clerk's office where the original certificate is filed, a certificate under their hands stating the names of the trustees and officers, an inventory of the property, effects and liabilities, with an affidavit of the correctness of the same and that the cor-

poration has not been engaged, directly or indirectly, in any other business than such as is set forth in its certificate of incorporation.

§ 10. Every corporation formed under this act shall have the powers, and be subject to the restrictions contained in the revised statutes.

§ 11. This act shall in all courts and places be construed benignly and favorably for any benefit and purpose therein intended and notwithstanding any misnomer or misdescription of said corporation in any will, deed, gift, grant, demise or other instrument or contract or conveyance to or for its use, the same shall take effect in like manner as if said corporation were rightly named, provided it be sufficiently described to ascertain the intent of the parties.

§ 12. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FRANK RICE,
Secretary of State.

LAWS OF 1895.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall commence and take effect throughout the State on and not before the twentieth day after the day of its final passage, as certified by the Secretary of State. Section 12, title 4, chapter 7, part 1, Revised Statutes.]

CHAPTER 222.

An Act to provide for the purchase and display of United States flags in connection with the public schools of the State.

Became a law April 3, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The school authorities of every public school in the several cities and school districts of this State shall purchase a United States flag, flagstaff and the necessary appliances therefor, and shall display such flag upon or near the public school building during school hours, and at such other times as the school authorities may direct. The necessary funds to defray the expense incurred by this act shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.
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CHAPTER 485.

AN Act to amend chapter two hundred and twenty-three of the laws of eighteen hundred and ninety, entitled "An act to authorize towns to raise money to defray the expenses of the proper observance of Memorial or Decoration day."

Became a law May 1, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter two hundred and twenty-three of the laws of eighteen hundred and ninety entitled "An act to authorize towns to raise money to defray the expenses of the proper observance of Memorial or Decoration day," is hereby amended by adding thereto the following section:

§ 2. In case there is a post in a town adjoining a town in which no post is located, whose membership includes at least three residents of such town having no post, the post shall appoint a committee of not less than three of its members who are residents of the said adjoining town in which the post is not located, and the supervisor of said town shall pay the expenses of observance of Memorial or Decoration day upon the order or orders of said committee or a majority thereof, which orders shall be his vouchers for such payment.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

CHAPTER 733.

An Act to amend the military code, in relation to parades and drills by members of the order of the Sons of Veterans.

Became a law May 23, 1895, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and forty-seven of the military code is hereby amended, to take effect immediately, and to read as follows:

§ 147. Military parades by unauthorized bodies prohibited.—No body of men, other than the regularly organized corps of the national guard and militia and the troops of the United States, except such independent military organizations as were, on the twenty-third day of April, eighteen hundred and eighty-three, and now are, in existence, shall associate themselves together as a military company or organization or parade in public with firearms in any city or town of this State. No city or town shall raise or appropriate any money toward arming, equipping, uniforming, or in any other way supporting, sustaining or providing drill-rooms or armories for any such body of men; but associations wholly composed of soldiers honorably discharged from the service of the United States, or members of the Order of Sons of Veterans may parade in public with firearms on Decoration day or upon the reception of any regiments or companies of soldiers returning from such service, and for the purpose of escort duty at the burials of deceased soldiers; and students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with firearms in public, under the superintendence of their teachers. This section shall not be construed to prevent any organization, organized to do so by law, from parading with firearms. The independent military organizations mentioned in this section, not regularly organized as organizations of the national guard, are hereby made subject to the orders of the commander-in-chief, in case of emergency or necessity, to aid the national guard in quelling invasion, insurrection, riot or breach

of the peace, provided the officers and members of such organizations shall, when so called upon, first sign and execute and deliver, through their commanding officer, to the officer commanding the national guard, to whom it is ordered to report, a form of enlistment in form to be prescribed by the commander-in chief in regulations or orders, for a term of not less than thirty days nor more than ninety days at one time; and if the service of such organization shall not be required for the full term of their enlistment, they shall be discharged by the order of the commander-in-chief. All members of such independent organizations, when called into service of the State, as herein provided for, shall be equipped and paid by the State, and shall be protected in the discharge of their duties and in obeying the orders of the commander-in-chief, as though a part of the national guard of the State. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

LAWS OF 1896.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, article II, chapter 8, General Laws.]

Extract from chapter 225, Laws of 1896.

ARTICLE V.

Soldiers, Sailors and Marines.

Section 84. Headstones to be provided.

§ 84. Headstones to be provided.—The grave of any such deceased soldier, sailor or marine shall be marked by a headstone containing the name of the deceased, and, if possible, the organization to which he belonged or in which he served; such headstone shall cost not more than fifteen dollars; and shall be of such design and material as shall be approved by the board of supervisors, and the expense of such burial and headstone, as provided for in this article, shall be a charge upon and shall be paid by the county in which the said soldier, sailor or marine shall have died; and the board of supervisors of such county is hereby authorized and directed to audit the account and pay the expense of such burial in the same manner as other accounts against said county are audited and paid; provided, however, that in case such deceased soldier, sailor or marine shall be at the time of his death an inmate of any State institution, including State hospitals and soldiers' homes, or any institution supported by the State and supported at public expense therein, the expense of such burials and headstones shall be a charge upon the county of his legal residence.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

CHAPTER 377.

AN ACT in relation to benevolent orders, constituting chapter forty-four of the general laws.

Became a law April 23, 1896, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER XLIV OF THE GENERAL LAWS.

The Benevolent Orders Law.

- Section 1. Short title.
2. Organization.
 3. Powers.
 4. Terms of trustees.
 5. Powers of trustees.
 6. Reorganization.
 7. Joint corporations.
 8. Trustees.
 9. Powers.
 10. Mortgaging property.
 11. Laws repealed.
 12. When to take effect.

Section 1. Short title.—This chapter shall be known as the benevolent orders law.

§ 2. Organization.—Either of the following orders:

1. A lodge of Free and Accepted Masons duly chartered by and installed according to the general rules and regulations of the Grand Lodge of Free and Accepted Masons of the State of New York;

2. A chapter of Royal Arch Masons duly chartered by and installed according to the general rules and regulations of the Grand Chapter of Royal Arch Masons of the State of New York;

3. A council of Royal and Select Masons duly chartered by and installed according to the general rules and regulations of the Grand Council of Royal and Select Masons of the State of New York;

4. A Commandery of Knights Templar duly chartered by and instituted according to the general rules and regulations of the Grand Commandery of the State of New York;

5. A consistory, chapter, council or lodge duly chartered by and instituted according to the general rules and regulations of the Supreme Council of the Ancient and Accepted Scottish Rite for the Northern Jurisdiction of the United States;

6. A lodge of Odd Fellows duly chartered by and installed according to the general rules and regulations of the Grand Lodge of the Independent Order of Odd Fellows of the State of New York;

7. A Temple of Nobles of the Mystic Shrine duly chartered by and instituted according to the general rules and regulations of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine for the United States of America;

8. A lodge of the Knights of Pythias duly chartered and installed according to the general rules and regulations of the Grand Lodge of the Knights of Pythias of the State of New York.

9. A post of the Grand Army of the Republic chartered and installed according to the regulations of that organization:

May elect at any regular communication, convocation, encampment or other regular meeting thereof, by whatever name known, held in accordance with the constitution and general rules and regulations of such grand lodge, chapter, commandery or council, or other governing body to which it belongs, or with which it is connected, and in conformity with its own by-laws, if it has any, three trustees for such lodge, chapter, commandery, consistory, council, temple or post who shall be members thereof in full membership and in good and regular standing therein; and may file in the office of the secretary of state, a certificate of such election, signed and acknowledged by the first three elective officers of such lodge, chapter, commandery, consistory, council, temple or post, stating the time and place of such election and that the same was regular, the names of such trustees, and the term severally for which they are elected to serve, and the name of the lodge, chapter, commandery, consistory, council, temple or post for which they are elected.

§ 3. Powers.—Such trustees may take, hold and convey by and under the direction of such lodge, chapter, commandery, consistory, council, temple or post, all the temporalities and property belonging thereto, whether real or personal, and whether

given, granted or devised directly to it or to any person or persons for it or in trust for its use and benefit, and may sue for and recover, hold and enjoy all the debts, demands, rights and privileges, and all buildings and places of assemblage, with the appurtenances, and all other estate and property belonging to it in whatsoever manner the same may have been acquired, or in whose name soever the same may be held, as fully as if the right and title thereto had been originally vested in them; and may purchase and hold for the purposes of the lodge, chapter, commandery, consistory, council, temple, or post other real and personal property, and demise, lease and improve the same. Every such lodge, chapter, commandery, consistory, council, temple or post may make rules and regulations, not inconsistent with the laws of this State, or with the constitution or general rules or laws of the grand lodge or other governing body to which it is subordinate, for managing the temporal affairs thereof, and for the disposition of its property and other temporal concerns and revenue belonging to it, and the secretary and treasurer thereof, duly elected and installed according to its constitution and general regulations and laws, shall, for the time being, be *ex officio* its secretary and treasurer. No board of trustees for any lodge, chapter, commandery, consistory, council, temple or post filing the certificate aforesaid, shall be deemed to be dissolved for any neglect or omission to elect a trustee annually to fill any vacancy or vacancies that may occur or exist at any time in said board, but it shall and may be lawful for said lodge, chapter, commandery, consistory, council, temple or post to fill such vacancy or vacancies at any regular communication thereafter to be held, and till a vacancy arising from the expiration of the term of office of a trustee is filled as aforesaid, he shall continue to hold the said office and perform the duties thereof.

§ 4. Terms of trustees.—The persons first elected trustees of such lodge, chapter, commandery, consistory, council, temple or post, if a lodge of Free and Accepted Masons, or a chapter of Royal Arch Masons, shall be divided by lot by the officer making the certificate of election, so that the term of one shall expire on the day of the festival of Saint John the Evangelist, next thereafter, and another in one year, and the third in two

years thereafter. If other than a lodge or chapter of Free and Accepted Masons, the trustees first elected shall be divided by lot by the officers making the certificate of election, so that the term of one will expire in one year, one in two years, and one in three years thereafter. One trustee shall annually thereafter be elected by such lodge, chapter, commandery, consistory, council, temple or post, by ballot, in the same manner and at the same time as the first three officers thereof severally are or shall be elected according to its constitution, by-laws and regulations; and a certificate of such election under the hands of such officers and the seal of the lodge, chapter, commandery, consistory, council, temple or post, if it has any, shall be made, and shall be evidence of such election and entitle the person so elected to act as trustee. If any trustee dies, resigns, demits, is suspended or expelled, removes from the State, or becomes incapacitated for performing the duties of his office, his office shall be deemed vacant. Such lodge, chapter, commandery, consistory, council, temple or post may, at any regular communication, convocation, encampment or other regular meeting, by whatever name known, fill any vacancy in the office of trustee, by ballot, which election shall be certified in like manner and with like effect as an annual election, and the person so elected shall hold his office during the unexpired term of the trustee whose place he was elected to fill.

§ 5. Powers of trustees.—Such trustees shall have the care, management and control of all the temporalities and property of the lodge, chapter, commandery, consistory, council, temple or post, and they shall not sell, convey or dispose of any property except by and under its direction, duly had or given at a regular or stated communication, convocation, encampment or meeting thereof, according to its constitution and general regulations. They shall at all times obey and abide by the directions, orders and resolutions of such lodge, chapter, commandery, consistory, council, temple or post duly passed at any regular or stated communication, convocation, encampment or meeting thereof, not in conflict with the constitution and laws of this State or of the grand body to which it shall be subordinate, or of such lodge, chapter, commandery, consistory, council, temple or post. If a lodge of Free and Accepted Masons or a chapter

of Royal Arch Masons surrender its warrant to the grand body to which it is subordinate or is expelled or becomes extinct, according to the general rules or regulations of such body, the trustees then in office shall, out of the property belonging to such lodge or chapter, satisfy all just debts due from it and transfer the residue of its property to the "trustees of the Masonic hall and asylum fund," a corporation created by chapter two hundred and seventy-two of the laws of eighteen hundred and sixty-four, entitled "An act to incorporate the trustees of the Masonic hall and asylum fund," and unless reclaimed by such lodge or chapter within three years from such transfer, in accordance with the constitution and general regulations of such grand body, the same, with the avails or increase thereof, shall be applied by the "trustees of the Masonic hall and asylum fund" to the benevolent purposes for which such trustees were created in and by such act.

§ 6. Reorganization.—Any such lodge, chapter; commandery, consistory, council, temple or post heretofore incorporated by the laws of this State, or thereby heretofore enabled to take and hold real or personal property, or both, may surrender its act of incorporation, charter or privilege so conferred upon it, and may become enabled to take and hold real or personal property, or both, under the provisions of this chapter, on making and filing a certificate in the manner specified in this chapter, and stating therein, in addition to what is required in such a certificate, the surrender of such act of incorporation, charter or privilege, specifying the same. The property theretofore held and possessed by it shall be fully vested in its trustees, who shall have all the rights, powers and privileges, and be subject to all the provisions of this chapter.

§ 7. Joint corporations.—Any member of Masonic bodies within the State, chartered by the Grand Lodge of Free and Accepted Masons of the State of New York, the Grand Chapter of Royal Arch Masons of the State of New York, the Grand Council of Royal and Select Masters of the State of New York, the Grand Commandery of Knights Templar of the State of New York, the Supreme Council of the Ancient and Accepted Scottish Rite for the Northern Masonic Jurisdiction, United States of America, or the Imperial Council of the Ancient Arabic Order of Nobles

of the Mystic Shrine, United States of America; any lodges encampments and cantons within the State chartered by the Grand Lodge of the Independent Order of Odd Fellows, the Grand Encampment of the Independent Order of Odd Fellows or by the Sovereign Grand Lodge of the Independent Order of Odd Fellows; any lodges or other bodies of the Knights of Pythias, duly chartered by and installed according to the general rules and regulations of the Grand Lodge of Knights of Pythias of the State of New York; any posts of the Grand Army of the Republic, chartered and installed according to the regulations of that organization; any lodges or other bodies of the Deutcher Orden der Harugari, duly chartered and installed according to the general rules and regulations of the Grand Lodge of the Deutcher Orden der Harugari of the State of New York or of the Sovereign Grand Lodge of the Deutcher Orden der Harugari of the United States, and any number of trades unions, trades assemblies, trades associations, or labor organizations may unite in forming a corporation for the purpose of acquiring, constructing, maintaining and managing a hall, temple or other building, and of creating, collecting and maintaining a library for the use of the bodies uniting to form such corporation. Each body uniting to form such corporation shall, at a regular meeting thereof, held in accordance with its constitution and general rules and regulations or by-laws, elect a member thereof to be a trustee of such corporation, and shall make and file in the office of the clerk of the county where such building is to be located, a certificate of such election, signed and acknowledged by the highest two officers thereof, stating the time and place of the election, its regularity, the name of the trustee, and the name of the body from which he was elected. The trustees so elected shall make, acknowledge and file a certificate stating the name of the corporation to be formed, its purposes and objects, the names and places of residence of the trustees, the names of the bodies which they respectively represent, and the name of the town, village or city where such building is to be located; and thereon such trustees and their successors shall be a corporation for the purposes specified in such certificate.

§ 8. Trustees.—The persons executing such certificate and

named therein shall be the board of trustees of such corporation. If but two bodies united to form such corporation, its by-laws may prescribe the terms of office of the trustees. If more than two bodies so unite, the trustees shall divide themselves by lot into three classes, so that the term of office of the first class shall expire in one year; the term of office of the second class in two years, and the term of office of the third class in three years. On a vacancy occurring in the office of a trustee of such corporation, the body which he represented shall fill such vacancy, and the person so chosen shall hold office for three years, if chosen on the expiration of the term of his predecessor, and otherwise, until the expiration of the original term. The board of trustees may admit as members of such corporation and of such board of trustees the representatives of bodies chartered or instituted by the same general governing body as any of the bodies named in such certificate, or by any superior or higher jurisdiction or governing body of the order to which any such bodies belong, and shall file in the county clerk's office a certificate showing such action. The board of trustees shall fix the term of office of the representatives so admitted at one, two or three years, and shall so apportion such new representatives that as nearly as possible the terms of office of one-third of the directors of such corporation shall expire annually.

§ 9. Powers.—Such corporation may acquire real property in the town, village or city in which such hall, temple or building is or is to be located, and erect such building or buildings thereupon for the uses and purposes of the corporation as the trustees may deem necessary, or repair, rebuild or reconstruct any building or buildings that may be thereupon and furnish and complete such rooms therein as may appear necessary for the use of such bodies or for any other purpose for which the corporation is formed; and may rent to other persons any room in such building or any portion of such real property. Until such real property shall be acquired or such building erected or made ready for use, the corporation may rent and release such rooms or apartments in such town, village or city as may be suitable or convenient for the use of the bodies mentioned in such certificate, or of such other bodies as may desire to

use them, and the board of trustees may determine the terms and conditions on which rooms and apartments in such building or buildings, when erected, or which may be leased, shall be used and occupied. Before such corporation shall purchase or sell any real property, or erect or repair any building or buildings thereupon, and before it shall purchase any building or part of a building for the use of a corporation, it shall submit to the bodies constituting the corporation, the proposition to make such sale or purchase, or to erect or repair any such building or buildings, or to rent any building or part thereof, for the use of the corporation; and unless such proposition receives the approval of two-thirds of the bodies constituting the corporation, such proposition shall not be carried into effect. The evidence of the approval of such proposition by any such body shall be a certificate to that effect signed by the presiding officer and secretary of the body, or the officers discharging duties corresponding to those of a presiding officer and secretary, under the seal of such body. But where land is purchased for the purpose of erecting a hall or temple thereupon the buildings upon such land at the time of such purchase may be sold by the trustees without such consent.

§ 10. Mortgaging property.—If the funds of the corporation shall not be sufficient to pay for any real property purchased by the board of trustees in pursuance of law, or for the construction, repair or rebuilding of a suitable building or buildings, and the finishing or furnishing of apartments therefor, the corporation may issue its bonds bearing interest, semi-annually, for such additional sum as may be required therefor, and may execute to any such trustee or trustees as the board may select a mortgage upon its real property as security for the payment of such bonds. The proceeds of such bonds shall be applied to the payment of debts of the corporation incurred by the purchase of such real property, or the construction and repair of a building or buildings thereupon or the finishing or furnishing of apartments therein. Any of the bodies specified in section seven may invest its funds in the bonds authorized by this section to be issued.

§ 11. Laws repealed.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repealed.

§ 12. When to take effect.—This chapter shall take effect on October first, eighteen hundred and ninety-six.

SCHEDULE OF LAWS REPEALED.

Laws of	Chapter.	Sections.
1866.....	417.....	All.
1869.....	176.....	All.
1871.....	308.....	All.
1873.....	417.....	All.
1885.....	419.....	All.
1888.....	290.....	All.
1892.....	290.....	All.
1893.....	72.....	All.
1895.....	713.....	All.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

CHAPTER 900.

An Act authorizing the sale of ale and beer upon the premises of the New York State Soldiers and Sailors' Home, at Bath, New York, and providing for the expenditure of the net proceeds therefrom.

Became a law May 26, 1896, with the approval of the Governor.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The trustees of the New York Soldiers and Sailors' Home, at Bath, New York, upon complying with the provisions of chapter one hundred and twelve, laws of eighteen hundred and ninety-six, of the State of New York, are hereby authorized to sell ale and beer to the members of said home, upon the premises of said home, under such rules and regulations as said trustees shall prescribe, and the provisions of clause one, section twenty-four, and clause six of section thirty of said chapter one

hundred and twelve of the laws of eighteen hundred and ninety-six, shall not apply to such New York State Soldiers and Sailors' Home.

§ 2. The said trustees shall expend the net proceeds of said sales for the support of the library and reading-room of said home and for such other purposes as they shall deem best for the comfort and amusement of the members of said home.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 4. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

LAWS OF 1897.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, article II, chapter 7, General Laws.]

CHAPTER 47.

An Act to amend section one of chapter four hundred and sixty-eight of the laws of eighteen hundred and ninety-four, being "An act to provide for the establishment of a home for the aged and dependent veteran and his wife, veterans' mothers, widows, and army nurses, residents of New York," and making an appropriation therefor.

Became a law March 10, 1897, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter four hundred and sixty-eight of the laws of eighteen hundred and ninety-four is hereby amended so as to read as follows:

§ 1. There shall be established in this state a home for the aged dependent veteran and his wife, veterans' mothers, widows, and army nurses, which shall be located within the state at a point which shall be determined as hereinafter provided, said home to be known as "New York State Woman's Relief Corps Home."

§ 2. The sum of seven thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid by the treasurer on the warrant of the comptroller, for the maintenance of said institution for the fiscal year ending September thirty, eighteen hundred and ninety-seven.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

CHAPTER 347.

An Act to amend the tax law, in relation to the exemption from taxation of real property purchased with the proceeds of a pension.

Became a law April 23, 1897, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision five of section four of chapter nine hundred and eight of the laws of eighteen hundred and ninety-six, entitled "An act in relation to taxation, constituting chapter twenty-four of the general laws," is hereby amended to read as follows:

5. All property exempt by law from execution, other than as exempt homestead. But real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned and occupied by the pensioner, or by his wife or widow, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax districts. At the meeting of the assessors to hear the complaints concerning assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of pension money used in or toward the purchase of such property. If the assessors are satisfied that the applicant is entitled to the exemption, and that the amount of pension money used in the purchase of such property equals or exceeds the assessed valuation thereof, they shall

enter the word "exempt" upon the assessment-roll opposite the description of such property. If the amount of such pension money used in the purchase of the property is less than the assessed valuation, they shall enter upon the assessment-roll the words "exempt to the extent of.....dollars" (naming the amount) and thereupon such real property, to the extent of the exemption entered by the assessors, shall be exempt from state, county and general municipal taxation, but shall be taxable for local school purposes, and for the construction and maintenance of streets and highways. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The entries above required shall be made and continued in each assessment of the property so long as it is exempt from taxation for any purpose. The provisions herein, relating to the assessment and exemption of property purchased with a pension apply and shall be enforced in each municipal corporation authorized to levy taxes.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

LAWS OF 1898.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, article II, chapter 7, General Laws.]

CHAPTER 411.

An Act to amend chapter two hundred and three of the laws of eighteen hundred and eighty-one, entitled "An act to authorize the burial of the body of any honorably discharged soldier, sailor or marine, who shall hereafter die without leaving the means sufficient to defray funeral expenses, and to provide for a headstone for any honorably discharged soldier, sailor or marine heretofore or hereafter buried in any of the counties of this state," as amended by chapter two hundred and sixteen of the laws of eighteen hundred and eighty-seven.

Became a law April 22, 1898, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter two hundred and three of the laws of eighteen hundred and eighty-one as amended by chapter two hundred and sixteen of the laws of eighteen hundred and eighty-seven, is hereby amended to read as follows:

§ 2. Any interment provided for by the provisions of this act shall not be made in a cemetery, or in any cemetery or plot used exclusively for the burial of the pauper dead. The grave of any such deceased soldier, sailor or marine, and the grave of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the late rebellion, who shall have been heretofore buried in any of the counties of this state, but whose grave is not marked by a suitable headstone, and who died without leaving means to defray

the expense of such headstone; and the grave of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the revolutionary war, the war of eighteen hundred and twelve, or war with Mexico, and who shall have been heretofore buried in any of the counties of this state, but whose grave is not now marked by a suitable headstone, shall be marked by a headstone containing the name of the deceased, and if possible, the organization to which he belonged or in which he served; such headstone shall not cost more than fifteen dollars, and shall be of such design and material as shall be approved by the board of supervisors, and the expense of such burial and headstone as above provided for shall be a charge upon and shall be paid by the county in which the said soldier, sailor or marine shall have died; and the board of supervisors or other board or officer vested with like powers, of the county of which such deceased soldier, sailor or marine was a resident at the time of his death, is hereby authorized and directed to audit the account and pay the expense of such burial and headstone in the same manner in which the accounts of such officer as shall be charged with the performance of such duty as above provided shall be audited and paid.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

CHAPTER 415.

An Act conferring local rank upon the commandant of the New York Soldiers and Sailors' Home of Bath, New York.

Became a law April 22, 1898, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The commandant of the New York Soldiers and Sailors' Home, of Bath, New York, shall have, during his incum-

bency and while serving as such officer, a military rank corresponding to that of a colonel of infantry in the national guard.

§ 2. While serving as such commandant he is authorized to wear the uniform and designation of grade worn by a colonel of infantry of the national guard. Nothing in this act contained shall be construed to provide any additional compensation or allowance to the officer herein specified.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

CHAPTER 481.

An Act to provide for the display of the United States flag on the schoolhouses of the state, in connection with the public schools; and to encourage patriotic exercises in such schools.

Became a law April 22, 1898, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. It shall be the duty of the school authorities of every public school in the several cities and school districts of the state to purchase a United States flag, flagstaff and the necessary appliances therefor, and to display such flag upon or near the public school building during school hours, and at such other times as such school authorities may direct.

§ 2. The said school authorities shall establish rules and regulations for the proper custody, care and display of the flag, and when the weather will not permit it to be otherwise displayed, it shall be placed conspicuously in the principal room in the schoolhouse.

§ 3. It shall be the duty of the state superintendent of public instruction to prepare, for the use of the public schools of the

state, a program providing for a salute to the flag at the opening of each day of school and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades in such schools. It shall also be his duty to make special provision for the observance in such public schools of Lincoln's birthday, Washington's birthday, Memorial day and Flag day, and such other legal holidays of like character as may be hereafter designated by law.

§ 4. The state superintendent of public instruction is hereby authorized to provide for the necessary expenses incurred in developing and encouraging such patriotic exercises in the public schools.

§ 5. Nothing herein contained shall be construed to authorize military instruction or drill in the public schools during school hours.

§ 6. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

CHAPTER 561.

An Act to amend chapter five of the laws of eighteen hundred and eighty-nine, entitled "An act to create the Mount McGregor Memorial Association," and the act amendatory thereof.

Became a law April 26, 1898, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter five of the laws of eighteen hundred and eighty-nine, entitled "An act to establish the Mount McGregor Memorial Association," is hereby amended to read as follows:

§ 1. William J. Arkell, Watson T. Dunmore, Albert D. Shaw, department commander of the Grand Army of the Republic for the department of New York, C. W. Tillinghast, adjutant-general of the state of New York, and Robert F. Knapp are hereby created a body politic and corporate, to be known as the Mount McGregor Memorial Association, which association shall be located in the town of Moreau, in the county of Saratoga, in this state. The corporation hereby created shall have all the rights and privileges necessary to accomplish the object of its creation as declared in this act.

§ 2. The successors of the said Albert D. Shaw and C. W. Tillinghast, in their said respective offices, shall be their successors respectively as corporators of said association, so long as there shall be successors in said offices. Vacancies in said board of corporators occurring from any cause, other than is here provided, shall be filled by the remainder of the board when a vacancy occurs. In case of a failure to fill vacancies as hereinbefore provided, the governor of the state shall fill the same.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN PALMER,
Secretary of State.

LAWS OF 1899.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, article II, chapter 8, General Laws.]

CHAPTER 12.

An Act to amend section six hundred and forty of the penal code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this State.

Became a law February 22, 1899, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and forty of the penal code is hereby amended by adding thereto a subdivision to be known as subdivision sixteen, as follows:

Subdivision 16. Any person, who in any manner, for exhibition or display, places or causes to be placed, any inscription, design, device, symbol, name, advertisement, words, characters, marks or notice whatever upon any flag, standard, color or ensign of the United States or State flag of this State or ensign evidently purporting to be either of said flags, standards, colors or ensigns, or who, in any manner appends, annexes or affixes or causes to be appended, annexed or affixed, to such flag, standard, color or ensign, any inscription, design, device, symbol, name, advertisement, words, marks, notice or token whatever, or who displays or exhibits or causes to be displayed or exhibited any flag, standard, color or ensign of the United States or flag of this State, or flag, standard, color or ensign evidently purporting to be either of said flags, standards, colors or ensigns, upon which shall, in any manner be placed, attached, annexed or affixed, any inscription, design, device, symbol, name, advertise-

ment, words, marks, notice or token whatever, or who publicly mutilates, tramples upon or otherwise defaces or defiles any of said flags, standards, colors or ensigns, whether any of said flags, standards, colors or ensigns are public or private property, shall be deemed guilty of a misdemeanor. Provided, however, that flags, standards, colors or ensigns, the property of or used in the service of the United States or of this State, may have inscriptions, names of actions, words, marks or symbols, placed thereon pursuant to law or authorized regulations.

§ 2. This act shall take effect September first, eighteen hundred and ninety-nine.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

CHAPTER 184.

An Act to amend section six hundred and seventy-four-a of the penal code in relation to unauthorized wearing the badge or the button of the Grand Army of the Republic.

Became a law March 31, 1899, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section six hundred and seventy-four-a of the penal code is hereby amended so as to read as follows:

§ 674-a. Unauthorized wearing badges of certain orders and societies.—Any person who willfully wears the badge or the button of the Grand Army of the Republic, the insignia, badge or rosette of the military order of the Loyal Legion of the United States, or the order of Patrons of Husbandry, or of any society, order or organization of ten years' standing in the State of New York, or uses the same to obtain aid or assistance within this State, unless entitled to use or wear the same under the constitution and by-laws, rules and regulations of such order or of such society, is guilty of a misdemeanor.

§ 2. This act shall take effect September first, eighteen hundred and ninety-nine.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

CHAPTER 207.

An Act to amend the membership corporation law, in relation to the erection of soldiers' monuments.

Became a law April 1, 1899, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and twenty-one of chapter five hundred and fifty-nine of the laws of eighteen hundred and ninety-five, entitled "An act relating to membership corporations, constituting chapter forty-three of the general law," is hereby amended to read as follows:

§ 121. Property; erection of monuments.—Such a corporation may acquire and hold, within the county in which its certificate of incorporation is recorded, not more than five acres of land, to be used exclusively for the erection of a suitable monument or monuments or other memorial, to perpetuate the memory of the soldiers and sailors who served in the defense of the union in the war of the rebellion, or who served in the army or navy of the United States in the late war with Spain from the town, city or county, in which such monument, monuments or memorial, is erected. Such a corporation may erect any such monument, monuments or memorial, upon any public street, square or ground of any town, city or village, with the consent of the proper officers thereof, or may purchase or accept the donation of land suitable for that purpose; and may take and hold the property given, devised or bequeathed to it in trust, to apply the same or the income or proceeds thereof for the erection,

improvement, embellishment, preservation, repair or renewal of such monument, monuments or memorials, or of any structures, fences or walks upon its land, or for planting and cultivating trees, shrubs, flowers or plants, in and around or upon its lands, or for improving or embellishing the same in any manner consistent with the design and purposes of the association according to the terms of such grant, devise or bequest. It may take by gift or purchase any lots or lands, in any cemetery within such county, to be used and occupied exclusively for the burial of honorably discharged soldiers and sailors who served in either of such wars, and for the erection of suitable monuments or memorials therein. A town clerk or the board of trustees of a village shall, upon the petition of twenty-five resident taxpayers, submit to an annual town meeting or village election, as the case may be, a proposition to raise by taxation a sum stated therein, not exceeding five hundred dollars in any one year, for the purpose of erecting such a monument, or contributing to the expense of such a monument erected by a corporation under this section, or for repairing or improving the same and the grounds thereof; and such tax shall be levied in the manner prescribed by law for levying general taxes in such town or village; and when raised shall be applied to the purposes specified in such proposition.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

CHAPTER 314.

An Act to amend the town law in relation to the licensing of hawkers and peddlers, as amended by chapter five hundred and thirty-eight of the laws of eighteen hundred and ninety-eight.

Became a law April 13, 1899, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one hundred and eighty-four of chapter five hundred and sixty-nine of the laws of eighteen hundred and

ninety, entitled "An act in relation to towns, constituting chapter twenty of the general laws," known as the town law as inserted by chapter five hundred and thirty-eight of the laws of eighteen hundred and ninety-eight, is hereby amended so as to read as follows:

§ 184. Town board may prohibit hawking and peddling without license.—The town board of any town may, by resolution, prohibit the hawking and peddling of goods or produce in public streets or places, or the vending of the same by calls from house to house, without a license; but such prohibition shall not apply to the peddling of meats, fish, fruit or farm produce, to the sale by sample or prospectus of goods, books or other merchandise where the same are not delivered at the time the order therefor is taken, or to peddling by any person or corporation in this state, provided no sale is made by such person or corporation of drygoods, clothing, drugs or articles of food and all sales are wholly or partly by barter for merchandise, or so as to require a license from an honorably discharged soldier, sailor or marine of the military or naval service of the United States who has obtained a license from the county clerk to hawk, peddle, vend or solicit trade, in pursuance of law.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

CHAPTER 370.

An Act in relation to the civil service of the state of New York and the cities and civil divisions thereof.

Became a law April 19, 1899, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title.—This chapter shall be known as the civil service law.

§ 2. Definitions.—When used in this chapter.

1. The term “Commission” or “State commission” means the State Civil Service Commission.

2. The term “municipal commission” means the municipal civil service commission of a city.

3. The “civil service” of the State of New York or any of its civil divisions or cities includes all offices and positions of trust or employment in the service of the State or of such civil division or city, except such offices and positions in the militia and the military departments as are or may be created under the provisions of article eleven of the Constitution.

4. The “State service” shall include all such offices and positions in the service of the State or of any of its civil divisions except a city.

5. The “city service” shall include such positions in the service of any city.

6. The term “appointing officer” signifies the officer, commission, board or body having the power of appointment to subordinate positions in any office, court, department, commission, board, or institution.

§ 3. State Civil Service Commission.—The Governor is authorized to appoint, by and with the advice and consent of the Senate, three persons, not more than two of whom shall be adherents of the same political party, as civil service commissioners, and said three commissioners shall constitute the State Civil Service Commission. They shall hold no other official place under the State of New York. The Governor may remove any commissioner, and any vacancy in the position of commissioner shall be so filled by the Governor, by and with the advice and consent of the Senate, as to conform to said conditions for the first selection of commissioners. The three commissioners shall each receive a salary of two thousand dollars a year, and each of said commissioners shall be paid his necessary traveling expenses incurred in the discharge of his duty as a commissioner.

§ 4. Officers and employees of the commission.—The Commission may elect one of its members to be president, and may employ a chief examiner, a secretary, and such other officers, clerks and examiners as it may deem necessary or proper to carry out the purposes of this act, and such employees shall hold office

during the pleasure of the commission. The chief examiner shall be entitled to receive a salary at the rate of three thousand six hundred dollars a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty. The secretary, and other officers, clerks and examiners shall receive salaries to be fixed by the commission, and the secretary shall also be paid his necessary traveling expenses incurred in the discharge of his duty. The commission may select suitable persons in the official service of the State or any of its civil divisions, after consulting the head of the department or office in which such persons serve, to act as examiners under its direction. Persons so selected shall be entitled to compensation from the commission for their necessary expenses occasioned by the service actually rendered, in addition to the regular service required in the department or office where they are regularly employed. The compensation of examiners shall not exceed five dollars per day, except in the case of special and expert examiners employed in the preparation of questions and rating of candidates; the commission shall not expend or authorize the expenditure of moneys for any purpose in excess of the sums appropriated therefor by law.

§ 5. Rooms and accommodations.—It shall be the duty of the trustees of public buildings to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated and lighted, at the capitol in the city of Albany, for carrying on the work and examinations of said commission, and said commission may order the necessary stationery, postage stamps, an official seal and other articles to be supplied, and the necessary printing to be done for its official use. It shall be the duty of the officers of the State of New York or of any civil division thereof, at any place where examinations are directed by the commission or its rules to be held, to allow the reasonable use of public buildings, and to heat and light the same for holding such examinations, and in all proper ways to facilitate the same.

§ 6. The power and duties of the commission.—The State Civil Service Commission shall

First. Prescribe, amend and enforce suitable rules and regulations for carrying into effect the provisions of this act and of

section nine of article five of the Constitution of the State of New York, as herein provided. The rules prescribed by the State and municipal commissions pursuant to the provisions of this act shall have the force and effect of law.

Second. Keep minutes of its own proceedings and records of its examinations and other official action.

Third. Make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this act and the rules and regulations prescribed thereunder, concerning the action of any examiner or subordinate of the commission and any person in the public service, in respect to the execution of this act, and in the course of such investigations each commissioner and the secretary and the chief examiner shall have power to administer oaths.

Fourth. Have power to subpoena and require the attendance in this State of witnesses and the production thereby of books and papers pertinent to the investigation and inquiries hereby authorized and to examine them and such public records as it shall require in relation to any matter which it is required to investigate. And for the purposes of the examination hereby directed, the commission possesses all the powers conferred by the legislative law upon a committee of the legislature or by the code of civil procedure upon a board or committee, and may invoke the power of any court of record in the State to compel the attendance and testifying of witnesses and the production thereby of books and papers as aforesaid.

Fifth. Make an annual report to the Governor for transmission to the legislature, showing its own action, the rules and regulations and the exceptions thereto in force, and the practical effects thereof and any suggestions it may approve for the more effectual accomplishment of the purposes of this act.

Sixth. Meet in Albany at least once in each calendar month, except the month of August, and hold such other meetings as the needs of the public service may require. A majority of the members of the commission shall constitute a quorum.

§ 7. Duties of the public officers.—It shall be the duty of all officers of the State of New York or of any city or civil division thereof to conform to and comply with and to aid in all proper ways the carrying into effect the provisions of this act, and the

rules and regulations prescribed thereunder and any modification thereof. No officer or officers having the power of appointment or employment shall select or appoint any person for appointment, employment, promotion or reinstatement except in accordance with the provisions of this act and the rules and regulations prescribed thereunder. Any person employed or appointed contrary to the provisions of this act or of the rules and regulations established thereunder, shall be paid by the officer or officers so employing or appointing, or attempting to employ or appoint, him, the compensation agreed upon for any services performed under such appointment or employment, or in case no compensation is agreed upon, the actual value of such services, and any expenses incurred in connection therewith, and shall have a cause of action against such officer or officers or any of them for such sum or sums and for the costs of the action. No public officer shall be reimbursed by the State or any of its civil divisions for any sums so paid or recovered in any such action.

§ 8. Unclassified service; classified service.—The civil service of the State and of each of its civil divisions and cities shall be divided into the unclassified service and the classified service. The unclassified service shall comprise all elective offices; all offices filled by election or appointment by the legislature on joint ballot; all persons appointed by name in any statute; all legislative officers and employees; all offices filled by appointment by the Governor, either upon or without confirmation by the Senate, except officers and employees in the executive offices; all election officers; the head or heads of any department of the government, and persons employed in or who seek to enter the public service as superintendents, principals or teachers in a public school or academy or in a State normal school or college. The classified service shall comprise all positions not included in the unclassified service. All appointments or employments in the classified service shall be for a probationary term not exceeding the time fixed in the rules.

§ 9. Rules for the classified State service.—Within one month after the passage of this act, the commission shall make rules for the classification of the offices, places and employments in the classified service of the State, and thereafter from time to

time rules for the classification of the offices, places and employments in such other civil divisions thereof, except cities, as after due inquiry by the commission shall be found practicable, and for appointments and promotions therein and examinations therefor, not inconsistent with the constitution and the provisions of this act, and shall amend the same from time to time. No examination or registration shall be required of persons to be employed as laborers in the State service. Such rules and any modifications thereof, shall take effect when approved by the Governor. Due notice of the contents of such rules, and of any modifications thereof, shall be given by mail to appointing officers and heads of departments affected thereby, and such rules shall be printed for public distribution. Subject to the provisions of this act and of the rules established thereunder the commission shall make regulations for and have control of examinations for the service of the State and the civil divisions thereof, except cities, and shall supervise and preserve the records of the same, but such examinations shall be held at least once a year in each of the following places: Albany, Amsterdam, Auburn, Binghamton, Buffalo, Dunkirk, Elmira, Geneva, Hornellsville, Ithaca, Jamestown, Johnstown, Kingston, Lockport, Malone, Middletown, Newburg, New York, Ogdensburg, Olean, Oneonta, Oswego, Plattsburg, Poughkeepsie, Rochester, Saratoga, Syracuse, Utica and Watertown; and shall cover in each place all offices and positions for which competitive examinations are required, except such examinations as require special tools, machinery, appliances, or laboratory facilities.

§ 10. The classified city service.—The mayor of each city in this State shall appoint and employ suitable persons to prescribe, amend and enforce rules for the classification of the offices, places and employments in the classified service of such city, and for appointments and promotions therein and examinations therefor; and for the registration and selection of laborers for employment therein, not inconsistent with the Constitution and the provisions of this act and shall amend the same from time to time. Such persons shall be municipal civil service commissioners and shall constitute the municipal civil service commission of such city. All appointments or designations of municipal civil service commissioners shall be made in such manner

that not more than two-thirds of such commissioners in any city shall at any time be adherents of the same political party. Such rules herein prescribed and established and all regulations now existing for appointment and promotion in the civil service of said city and any subsequent modification thereof, whether prescribed under the authority of a general law or of any special or local law, shall be valid and take or continue in effect only upon the approval of the mayor of the city and of the State civil service commission. The authority by this section conferred shall not be so exercised as to take from any policeman or fireman any right or benefit conferred by law, or existing under any lawful regulation of the department in which he serves. All examinations herein authorized shall be public, and all rules shall be published, and, with all the proceedings and papers connected with said examinations, shall be at all times subject to the inspection of said State commission and its agents; and said commission shall set forth in its reports the character and practical effects of such examinations, together with its views as to the improvement and extension of the same, and also copies of all rules made under the authority hereby conferred. Subject to the provisions of this act and of said rules, the municipal commission of any city shall make regulations for and have control of examinations and registration for the service of such city and shall supervise and preserve the records of the same. In case, for any reason, the mayor of any city within sixty days after he has the power to appoint, fails to appoint such municipal commissioners, the State commission shall appoint them to hold office until after the expiration of the term of the mayor then in office and their successors are appointed and qualify. It shall be the duty of such persons to prepare and to procure the approval of the rules herein provided for, and, if they fail to do so within sixty days after their appointment, the State commission shall forthwith make said rules. It shall be the duty of such persons to make reports from time to time to the State commission, whenever said commission may request, of the manner in which this law, and the rules and regulations thereunder, have been and are administered, and the results of their administration in such city, and of such other matters as said commission may require, and annually on or before the fifteenth day of

January, to make such a report to said commission; and it shall be the duty of said State Commission in its annual report to set out either these reports, or a sufficient abstract or summary thereof, to give full and clear information as to their contents. A copy of the roster of the classified civil service of such city shall be transmitted to the State commission with the annual report aforesaid, and shall be filed in the office of said commission as a public record. The mayor may at any time remove any municipal civil service commissioner appointed by him. Said State commission may also, by unanimous vote of the three commissioners, with the written approval of the Governor, remove any municipal civil service commissioner appointed or employed under the authority of this section, for incompetency, inefficiency, neglect of duty or violation of the provisions of this act, or of the rules and regulations in force thereunder, or of any of them, specifying in writing the particulars of the incompetency, inefficiency, neglect of duty or violation charged, and filing the same as a public document in the office of the city clerk, or if there be no city clerk, in the office of the clerk of the board of aldermen, and a certified transcript thereof in the office of the State Civil Service Commission, first giving him an opportunity to make a personal explanation in self-defense. Said State commission may at any time, by unanimous vote of the three commissioners, amend or rescind any rule, regulation or classification prescribed under provisions of this section, provided that said State commission shall state the reasons for such action in writing, and file the same and a certified transcript thereof as a public document as hereinbefore provided, and give an opportunity to the municipal civil service commissioners concerned to make a personal explanation and to file papers in opposition to such action. The said State commission, however, shall not take such action upon any ground other than that the provisions or purposes of this act are not properly or sufficiently carried out by such rule, regulation or classification, nor without specifying in writing and detail in what particular such provisions or purposes are not carried out, nor shall said State commission exempt from competitive examination any position, or place or employment in any city without the consent of the municipal commission of such city.

§ 11. Classification.—The offices and positions in the classified service of the State or of any city or civil division thereof for which civil service rules shall be established pursuant to this act, shall be arranged in four classes to be designated as the exempt class, the competitive class, the non-competitive class and, in cities, the labor class.

§ 12. The exempt class.—The following positions shall be included in the exempt class:

1. The deputies of principal executive officers authorized by law to act generally for and in place of their principals;

2. One secretary of each officer, board and commission authorized by law to appoint a secretary;

3. One clerk, and one deputy clerk if authorized by law, of each court, and one clerk of each elective judicial officer;

4. In the State service, all unskilled laborers and such skilled laborers as are not included in the competitive class or the non-competitive class; and in addition thereto there may be included in the exempt class all other subordinate offices for the filling of which competitive or non-competitive examination may be found to be not practicable. But no office or position shall be deemed to be in the exempt class unless it is specifically named in such class in the rules, and the reasons for each such exemption shall be stated separately in the annual reports of the commission. Not more than one appointment shall be made to or under the title of any such office or position, unless a different number is specifically mentioned in such rules. Appointments to positions in the exempt class may be made without examination.

§ 13. The competitive class.—The competitive class shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examination, and shall include all positions now existing, or hereafter created, of whatever functions, designation or compensation, in each and every branch of the classified service, except such positions as are in the exempt class, the non-competitive class, or the labor class. Appointments shall be made to or employment shall be given in all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction under the provisions of this act and the rules in pursuance thereof, by appointment of those graded highest in open competitive examinations conducted

by the State or municipal commission, except as herein otherwise provided. The term of eligibility shall be fixed for each eligible list at not less than one nor more than four years. Appointment shall be made from the eligible list most nearly appropriate for the group in which the position to be filled is classified, and a new list shall be created for a stated position or group of positions only when there is no appropriate list existing from which appointment may be made. No person shall be appointed or employed under any title not appropriate to the duties to be performed, and no person shall be transferred to, or assigned to perform the duties of, any position subject to competitive examination, unless he shall have previously passed an open competitive examination equivalent to that required for such position, or unless he shall have served with fidelity for at least three years in a similar position. Appointments to positions in the State service, the duties of which are confined to a locality outside of Albany county, shall, so far as practicable, be made from residents of the judicial district including such locality. The examinations shall be public and shall be practical in their character and shall relate to those matters which fairly test the relative capacity and fitness of the persons examined to discharge the duties of that service into which they seek to be appointed. Such commissions shall prepare lists of preliminary requirements and subjects of examination for the several positions or groups of positions in the competitive class and shall publish its rules and such information, and advertise such examinations in such manner as the nature of the examinations may require. Each of such commissions shall require intending competitors to file in its office a reasonable length of time before the date of any examination, a formal application in which the applicant shall state under oath:

1. His full name, residence and postoffice address.
2. His age, the place and date of his birth.
3. His health and physical capacity for the public service.
4. His right of preference by reason of military or naval service.
5. His business or employment, and residence for at least the previous five years.

6. Such other information as may reasonably be required touching the applicant's merit and fitness for the public service.

Blank forms for such applications shall be furnished by said commissions without charge to all persons requesting the same. Such commissions may require in connection with such application such certificates of citizens, physicians, public officers or others having knowledge of the applicant, as the good of the service may require. Such commissions may refuse to examine an applicant, or after examination to certify an eligible, who is found to lack any of the established preliminary requirements for the examination or position for which he applies; or who is physically so disabled as to be rendered unfit for his performance of the duties of the position to which he seeks appointment; or who is addicted to the habitual use of intoxicating beverages to excess; or who has been guilty of a crime or of infamous or notoriously disgraceful conduct; or who has been dismissed from the public service for delinquency or misconduct; or who has intentionally made a false statement of any material fact, or practiced, or attempted to practice, any deception or fraud in his application, in his examination, or in securing his eligibility or appointment. When the position to be filled involves fiduciary responsibility, the appointing officer, where otherwise permitted by law, may require the appointee to furnish a bond or other security and shall notify the State or municipal commission of the amount and necessary details thereof.

§ 14. Exceptions from competitive examination.—Positions in the competitive class may be filled without competition as follows:

1. Whenever there are urgent reasons for filling a vacancy in any position in the competitive class and there is no list of persons eligible for appointment after competitive examination, the appointing officer may nominate a person to the State or Municipal commission for non-competitive examination, and if such nominee shall be certified by such commission as qualified after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination, but such provisional appointment shall not continue for a longer period than two months in the State service, or one month in any city, nor shall

successive temporary appointments be made to the same position under this subdivision.

2. In case of vacancy in a position in the competitive class where peculiar and exceptional qualifications of a scientific, professional or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable and that the position can be best filled by the selection of some designated person of high and recognized attainments in such qualities, the State or Municipal commission may suspend the provisions of the rule requiring competition in such case, but no such suspension shall be general in its application to such place, and all such cases of suspension shall be reported in the annual reports of such commissions with the reasons for the same.

3. When the services to be rendered by an appointee in the State service are for a temporary period not to exceed one month and the need of such service is important and urgent, the appointing officer may select for such temporary service any person on the proper list of those eligible for permanent appointments without regard to his standing on such list.

§ 15. Promotion, transfer, reinstatement, reduction.—Vacancies in positions in the competitive class shall be filled, so far as practicable, by promotion from among persons holding positions in a lower grade in the department, office or institution in which the vacancy exists. Promotions shall be based upon merit and competition and upon the superior qualifications of the person promoted as shown by his previous service, due weight being given to seniority. For the purposes of this section an increase in the salary or other compensation of any person holding an office or position within the scope of the rules in force hereunder beyond the limit fixed for the grade in which such office or position is classified, shall be deemed a promotion. No promotion, transfer or reinstatement shall be made from a position in one class to a position in another class unless the same be specially authorized by the State or Municipal commission, nor shall a person be promoted or transferred to a position for original entrance to which there is required by this act or the rules an examination involving essential tests or qualifications different from or higher than those required for original entrance

to the position held by such person, unless he shall have passed the examination or attained a place upon the eligible lists for such higher position.

§ 16. The non-competitive class.—The non-competitive class shall include such positions as are not in the exempt class or the labor class and which it is impracticable to include in the competitive class. Appointments to positions in the non-competitive class shall be made after such non-competitive examination as is prescribed by the rules.

§ 17. The labor class in cities.—The labor class in cities shall include unskilled laborers and such skilled laborers as are not included in the competitive class or the non-competitive class. Vacancies in the labor class in cities shall be filled by appointment from lists of applicants registered by the municipal commissions. Preference in employment from such lists shall be given according to date of application. There shall be separate lists of applicants for different kinds of labor or employment, and the commissions may establish separate labor lists for various institutions and departments. Where the labor service of any department or institution extends to separate localities, the commissions may provide separate registration lists for each district or locality. The commissions shall require an application for registration for the labor service to furnish such evidence or pass such examination as they may deem proper with respect to his age, residence, physical condition, ability to labor, skill, capacity and experience in the trade or employment for which he applies.

§ 18. Official roster; reports of appointing officers.—No person shall be appointed to or employed in any position in the classified service of the State or of any city or civil division thereof for which rules have been prescribed pursuant to the provisions of this act, until he has passed an examination or is shown to be especially exempted from such examination in conformity with such rules and the provisions of this act. It shall be the duty of each appointing officer of the State or any such civil division thereof, except cities, to report to the State civil service commission forthwith upon such appointment or employment the name of such appointee or employee, the title and character of his office or employment, the date of the commencement of ser-

vice by virtue thereof and the salary or compensation thereof, and to report from time to time and upon the date of official action in or knowledge of each case, any separation of a person from the service, or other change therein, and such other information as the commission may require, in order to keep the roster hereinafter mentioned. The commission shall keep in its office an official roster of the classified civil service of the State and of each of the civil divisions thereof for which rules have been prescribed pursuant to this act, except cities, and shall enter thereon the name of each and every person who has been appointed to, employed, promoted or reinstated in any position in such service, upon such evidence as it may require or deem satisfactory that such person was appointed to, promoted or reinstated in the service in conformity with the provisions of law and the rules prescribed pursuant to this act. The official roster shall show opposite or in connection with each name the date of appointment, employment, promotion or reinstatement, the compensation of the position, the date of commencement of service, and date of transfer in or separation from service by dismissal, resignation, cancellation of appointment or death. In like manner the municipal commission of each city shall keep in its office an official roster of the classified civil service of such city, and shall enter thereon the name of each and every person who has been appointed to, employed, promoted or reinstated in any position in such service, upon such evidence as it may require or deem satisfactory that such person was appointed to, or employed, promoted or reinstated in the service in conformity with the provisions of law and of the rules, and it shall be the duty of each appointing officer of such city to report to such municipal commission in like manner as is hereinbefore provided for reports from appointing officers to the State commission.

§ 19. Disbursing officers.—It shall be unlawful for the comptroller or other fiscal officer of the State or any city or civil division thereof for which civil service rules have been prescribed pursuant to this act, to draw, sign or issue, or authorize the drawing, signing or issuing of any warrant on the treasurer or other disbursing officer of the State or such city or civil division thereof, for the payment of, or for the treasurer or other disbursing officer of the State or of such city or civil division thereof, to pay

any salary or compensation to any officer, clerk or other person in the classified service of the State or of such city or civil division thereof, unless an estimate, payroll or account for such salary or compensation, containing the names of the persons to be paid shall bear the certificate of the State Civil Service Commission, or in case of the service of a city, the certificate of the municipal civil service commission of such city, that the persons named in such estimate, payroll or account have been appointed or employed or promoted in pursuance of law and of the rules made in pursuance of law. Any officer, clerk or other person entitled to be certified by said commission, or either of them, to the comptroller, treasurer or other fiscal or disbursing officer of the State or any city or civil division thereof, as having been appointed or employed in pursuance of law and of the rules made in pursuance of law, and refused such certificate, may maintain a proceeding by mandamus to compel such commission or commissions to issue such certificate. Any sums paid contrary to the provisions of this section may be recovered from any officer or officers making such appointment in contravention of the provisions of law and of the rules made in pursuance of law, or any officer signing or countersigning, or authorizing the signing or countersigning of any warrant for the payment of the same, and from the sureties on his official bond, in an action in the supreme court of the State, maintained by a citizen resident therein, who is assessed for and is liable to pay, or within one year before the commencement of the action, has paid a tax therein. All moneys recovered in any action brought under the provisions of this section must, when collected, be paid into the treasury of the State or such civil division thereof, except that the plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action.

§ 20. Preferences allowed honorably discharged soldiers, sailors and marines.—In every public department and upon all public works of the State of New York and of the cities, counties, towns and villages thereof, honorably discharged soldiers, sailors and marines from the army and navy of the United States in the late civil war, who are citizens and residents of this State, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment

or promotion may be made, provided their qualifications and fitness shall have been ascertained as provided in this act and the rules and regulations in pursuance thereof; and the persons thus preferred shall not be disqualified from holding any position in the civil service on account of his age or by reason of any physical disability, provided such age or disability does not render him incompetent to perform the duties of the position applied for. Whenever any list of eligible persons, prepared under authority of this act, shall contain the names of honorably discharged soldiers, sailors and marines, entitled to preference as aforesaid, any reference in this act or in the rules and regulations in pursuance thereof to the persons standing highest on such list, shall be deemed to indicate those standing highest of those entitled to preference by the provisions of this section, and such persons shall be given preference on any list of registered applicants for employment in the labor service, in accordance with the dates of their several applications, as though such applications had been filed prior to those of any persons on such lists not entitled to the preference provided by this section. A refusal to allow the preference provided for in this and the next succeeding section to any honorably discharged soldier, sailor or marine, or a reduction of his compensation intended to bring about his resignation, shall be deemed a misdemeanor, and such honorably discharged soldier, sailor or marine shall have a right of action thereof in any court of competent jurisdiction for damages and also a remedy by mandamus for righting the wrong.

§ 21. Power of removal limited.—Every person whose rights may be in any way prejudiced contrary to any of the provisions of this section shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the State of New York or in the several cities, counties, towns or villages thereof, who is an honorably discharged soldier, sailor or marine, having served as such in the Union army or navy during the war of the rebellion, and who is an honorably discharged soldier, sailor or marine, having served as such in the army or navy of the United States during the Spanish-American war, or is an honorably discharged soldier, sailor or marine of the regular army or navy of the United States, or who shall have served the term required by law in the volunteer fire department

of any city, town or village in the state, or who shall have been a member thereof at the time of disbandment of said volunteer fire department, shall be removed from such position or employment, except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges and with the right to such employee or appointee to a review by a writ of certiorari. In cities of the first class, if the position so held by any such honorably discharged soldier, sailor or marine, or volunteer fireman shall become unnecessary or be abolished for reasons of economy or otherwise, the said honorably discharged soldier, sailor or marine, or volunteer fireman holding the same shall not be discharged from the public service, but shall be transferred to any branch of the said service for duty in such position as he may be fitted to fill, receiving the same compensation therefor. The burden of proving incompetency or misconduct shall be upon the party alleging the same. Nothing in this section shall be construed to apply to the position of private secretary or deputy of any official or department, or to any other person holding a strictly confidential relation to the appointing officer. A person serving under a probationary or provisional appointment shall not be deemed to be holding a position within the meaning of this section.

§ 22. Misdemeanor to obstruct right of examination; false representation; impersonation in examination.—Any commissioner, or examiner, or any other person who shall wilfully by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect of his or her right of examination, or registration, according to any rules or regulations prescribed pursuant to the provisions of this act, or who shall wilfully and falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified, pursuant to the provisions of this act, or aid in so doing, or who shall wilfully make any false representations concerning the same, or concerning the person examined, or who shall wilfully furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or who shall personate any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration, or application

or request to be examined or registered, shall for each offense be deemed guilty of a misdemeanor.

§ 23. Recommendations for appointment or promotion.—No recommendation or question under the authority of this act shall relate to the political opinions or affiliations of any person whatever; and no appointment or selection to or removal from an office or employment within the scope of the rules established as aforesaid, shall be in any manner affected or influenced by such opinions or affiliations. No person in the civil service of the state or of any city or civil division thereof, is for that reason under any obligation to contribute to any political fund or to render any political service, and no person shall be removed or otherwise prejudiced for refusing so to do. No person in the said civil service shall discharge or promote or reduce, or in any manner change the official rank or compensation of any other person in said service, or promise or threaten so to do for giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose. No person in said service shall use his official authority or influence to coerce the political action of any person or body, or to interfere with any election.

§ 24. Political assessments prohibited.—No officer, agent, clerk or employee under the government of the state of New York or any civil division or city thereof shall, directly or indirectly, use his authority or official influence to compel or induce any other officer, clerk, agent or employee under said government, or any civil division or city thereof, to pay or promise to pay any political assessment, subscription or contribution. Every said officer, agent, clerk or employee who may have charge or control in any building, office or room occupied for any purpose of said government, or any said division or city thereof, is hereby authorized to prohibit the entry of any person, and he shall not knowingly permit any person to enter the same for the purpose of therein making, collecting, receiving or giving notice of any political assessment, subscription or contribution; and no person shall enter or remain in any said office, building or room, or send or direct any letter or other writing thereto, for the purpose of giving notice of, demanding a political assessment, nor shall any person therein give notice of, demand, collect or receive any such assessment, sub

scription or contribution; and no person shall prepare or make out, or take any part in preparing or making out, any political assessment, subscription or contribution with the intent that the same shall be sent or presented to or collected of any officer, agent or employee, subject to the provisions of this act, under the government of the state of New York, or that of any civil division or city thereof, and no person shall knowingly send or present any political assessment, subscription or contribution to or request its payment of any said officer, agent or employee. Any person who shall be guilty of violating any provision of this section shall be deemed guilty of a misdemeanor.

§ 25. Officers or candidates not to promise influence, et cetera; "public officer" and "public employee" defined.—Whoever, while holding any public office, or in nomination for, or while seeking a nomination or appointment for any public office, shall corruptly use or promise to use, whether directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person; or in order to secure or aid any person in securing any office or public employment, or any nomination, confirmation; promotion or increase of salary, upon the consideration or condition that the vote or political influence or action of the last named person, or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration, shall be deemed guilty of bribery or an attempt at bribery. And whoever, being a public officer, or having or claiming to have any authority or influence for or affecting the nomination, public employment, confirmation, promotion, removal or increase or decrease of salary of any public officer, shall corruptly use, or promise, or threaten to use any such authority or influence, directly or indirectly, in order to coerce or persuade the vote or political action of any citizen or the removal, discharge or promotion of any officer or public employee, or upon any other corrupt consideration, shall also be guilty of bribery or of an attempt at bribery. Every person found guilty of such bribery, or an attempt to commit the same, as aforesaid, shall, upon conviction thereof, be liable to be punished by a fine of not less than one hundred dollars nor more than three thousand dollars, or to be imprisoned not less than ten days nor more than two years, or to both said fine and said imprisonment in the

discretion of the court. The phrase "public officer" shall be held to include all public officials in this state, whether paid directly or indirectly from the public treasury of the state, or from that of any civil division thereof, or by fees or otherwise; and the phrase "public employee" shall be held to include every person not being an officer who is paid from any said treasury.

§ 26. Attendance of witnesses; fees.—Witnesses and officers to subpoena and secure the attendance of witnesses before said commission, shall be entitled to the same fees as are allowed witnesses in civil cases in courts of record. Such fees need not be prepaid, but the comptroller shall draw his warrant for the payment of the amount thereof, when the same shall have been certified to by the president of the commission, and duly proved by affidavit or otherwise to the satisfaction of the said comptroller; and all states, county, town, municipal and other officers and their deputies, clerks, subordinates and employees shall afford the said board all reasonable facilities in conducting the inquiries specified in this act, and give inspection to said board of all books, papers and documents belonging, or in any way appertaining to the respective offices, and shall also produce said books and papers, and shall attend and testify when required to do so by said commission.

§ 27. Taxpayer's action.—The right of any taxpayer to bring an action to restrain the payment of compensation to any person appointed to or holding any office, or place or employment in violation of any of the provisions of this act, shall not be limited or denied by reason of the fact that said office, or place or employment shall have been classified as, or determined to be, not subject to competitive examination; provided, however, that any judgment or injunction granted or made in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers, in accordance with the civil service rules in force at the time of such payments.

§ 28. Saving clause.—All rules, regulations and classifications for appointment or promotion in the civil service of the state or any city or civil division thereof, not inconsistent with the provisions of this act, established with the approval of the governor or the state commission under authority of law prior to the passage of this act, shall continue in full force and effect until annulled or

amended pursuant to the provisions of this act; and the state civil service commissioners and the municipal civil service commissioners of any city, now in office, appointed or designated under the provisions of law prior to the passage of this act, shall continue in office until their successors are appointed and qualify, and shall have the same tenure and all the powers and duties which they would have if appointed under the provisions of this act. All merit and eligible lists of persons examined prior to the passage of this act, under the civil service rules and regulations in force at the time of such examination, shall be continued in full force and effect as if formed under the provisions of this act, subject, however, to such reasonable regulation and revision as the rule shall prescribe.

§ 29. Repeal.—Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is repeated. All other acts or parts of acts, whether general, special or local, and all rules, regulations and classifications for appointment or promotion in the civil service of the state or any civil division thereof, inconsistent with the provisions of this act are hereby repealed; provided, however, that any act done or right accruing, accrued or acquired, or liability, penalty, or punishment incurred prior to the passage of this act shall not be affected or impaired; but the same may be asserted, enforced, prosecuted or inflicted as fully, and to the same extent, as if the several acts herein referred to had not been amended or repealed.

§ 30. When to take effect.—This act shall take effect immediately.

SCHEDULE OF LAWS REPEALED.

Laws of	Chapter.	Sections.
1883.....	354.....	All.
1884.....	312.....	All.
1884.....	357.....	All.
1884.....	410.....	All.
1886.....	29.....	All.
1887.....	464.....	All.
1888.....	119.....	All.
1890.....	67.....	All.
1892.....	577.....	All.
1894.....	681.....	All.

Laws of	Chapter.	Sections.
1894.....	716.....	All.
1894.....	717.....	All.
1895.....	344.....	All.
1896.....	821.....	All.
1897.....	428.....	All.
1898.....	184.....	All.
1898.....	186.....	All.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

CHAPTER 462.

An Act to amend the poor law, in relation to relief of soldiers by
Grand Army posts.

Became a law April 27, 1899, with the approval of the Governor. Passed,
a majority being present.

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

Section 1. Section eighty-one of chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the poor, constituting chapter twenty-seven of the general laws," as amended by chapter three hundred and thirty-seven of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 81. Post to give notice that it assumes charge.—The commander of any such post which shall undertake to supervise relief of poor veterans or their families, as herein provided, before his acts shall become operative in any town, city or county, shall file with the clerk of such town, city or county, a notice that such post intends to undertake such supervision of relief, which notice shall contain the names of the relief committee, commander and other officers of the post; and also an undertaking to such city,

town or county, with sufficient and satisfactory sureties for the faithful and honest discharge of his duties under this article; such undertaking to be approved by the treasurer of the city or county, or the supervisor of the town, from which such relief is to be received. Such commander shall annually thereafter, during the month of October, file a similar notice with said city or town clerk, with a detailed statement of the amount of relief requested by him during the preceding year, with the names of all persons for whom such relief shall have been requested, together with a brief statement in each case, from the relief committee, upon whose recommendation the relief was requested, provided, however, that in cities of the first class said notice and said detailed statement shall be filed with the comptroller of such city, and said undertaking shall be approved by him, and provided further that in any city of the first class which is now or may hereafter be divided into boroughs, a duplicate of such notice and of such detailed statement shall be filed with the commissioner of charities for the borough in which the headquarters of such post is situated, and it shall be the duty of such commissioner to annually include in his estimate of the amount necessary for the support of his department such sum or sums of money as may be necessary to carry into effect the provisions of sections eighty, eighty-one, eighty-two, eighty-three and eighty-four of this act and the proper officers charged with the duty of making the budget of any such city shall annually include therein such sum or sums of money as may be necessary for that purpose. Moneys actually laid out and expended by any such post for the relief specified in section eighty of this act shall be reimbursed quarterly to such post by the comptroller on vouchers duly verified by the commander and quartermaster of said post showing the date and amount of each payment, the certificate of the post relief committee, signed by at least three members, none of whom shall have received any of the relief granted by the post for which reimbursement is asked, showing that the person relieved was an actual resident of such city, and that they recommended each payment, and the receipt of the recipient for each payment, or in case such receipt could not be obtained, a statement of such fact, with the reason why such receipt could not be obtained. Such vouchers

shall be made in duplicate on blanks to be supplied by the comptroller and shall be presented to the commissioner of charities for the borough in which the headquarters of the post is situated, and if such commissioner is satisfied that such moneys have been actually expended as in said voucher stated, he shall approve the same, and file one of said duplicates in his office and forward the other to the comptroller, who shall pay the same by a warrant drawn to the order of the said commander. And provided further, that in any city, county or borough in which Grand Army posts have organized or may organize a memorial and executive committee, the latter shall be regarded as a post of the Grand Army of the Republic. And the chairman, treasurer or almoner and bureau of relief or relief committee referred to, shall exercise the same privileges and powers as the commander, quartermaster and relief committee of a post, on complying with the requirements of this and the preceding section. Wilful false swearing to such voucher shall be deemed perjury and shall be punishable as such.

§ 2. Within thirty days after the passage of this act, any memorial and executive committee in any city, county or borough may file with the proper officers the notice mentioned in the preceding section, and such officers are hereby empowered and it is hereby made their duty to estimate for, provide and raise, in the same manner as other local expenditures are estimated for, provided and raised, such sum or sums of money as may be necessary to carry into effect the provisions of this act during the year eighteen hundred and ninety-nine, and such bureau of relief or relief committee shall be reimbursed for moneys expended by it upon compliance with the terms of this act.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

CHAPTER 659.

An Act to amend chapter three hundred and seventy-one, laws of eighteen hundred and ninety-six, in relation to auction sales.

Became a law May 25, 1899, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-six, entitled "An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this State," is hereby amended so as to read as follows:

§ 1. Every honorably discharged soldier, sailor or marine of the military or naval service of the United States who is a resident of this State and a veteran of the late rebellion, shall have the right to hawk, peddle, vend and sell by auction his own goods, wares or merchandise or solicit trade within this State by procuring a license for that purpose to be issued as herein provided.

§ 2. On the presentation to the clerk of any county in which any soldier, sailor or marine may reside, of a certificate of discharge from the army or navy of the United States, and a veteran of the late rebellion, such county clerk shall issue without cost to such soldier, sailor or marine a license certifying him to be entitled to the benefits of this act.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

CHAPTER 679.

An Act to amend chapter two hundred and twenty-three of the laws of eighteen hundred and ninety, entitled "An act to authorize towns to raise money to defray the expenses of the proper observance of Memorial or Decoration day," relating to the raising of money by towns for the proper observance of Memorial or Decoration day.

Became a law May 25, 1899, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and twenty-three of the laws of eighteen hundred and ninety, as amended by chapter thirty-six of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

§ 1. It shall be lawful for the town boards of any town in this State at any regular or special meeting to vote any sum of money not exceeding fifty dollars in any year, or in towns containing a village of over five thousand inhabitants according to the last preceding state enumeration, in which are maintained two or more posts of the Grand Army of the Republic, a sum not exceeding one hundred dollars in any year, for the purpose of defraying the expenses of the proper observance of Memorial or Decoration day, which amount shall be assessed, levied and collected in the same manner as other expenses of said town are assessed, levied and collected, and shall be paid to the supervisor of such town and be disbursed by him in such manner as the town board of such town may direct upon vouchers properly receipted and audited by the town board of such town; except that in any town in which there may be a post of the Grand Army of the Republic, such post may direct the manner and extent of such observance and the supervisor shall pay the expense thereof upon the order or orders of the commander or quartermaster of such post, which orders shall be his vouchers for such payment, and in case there may be two or more posts of the Grand Army of the Republic in any such town the commanders and quartermasters of such posts, by concurrent action, shall direct the supervisor of such town what proportion of such

money so raised shall be expended by each of such posts, which proportion shall be paid by such supervisor upon the order or orders of the commander and quartermaster of each of such posts.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

LAWS OF 1900.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, article II, chapter 8, General Laws.]

CHAPTER 24.

An Act to amend the poor law in relation to the burial of soldiers, sailors and marines.

Became a law February 24, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-three of chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the poor, constituting chapter twenty-seven of the general laws," is hereby amended to read as follows:

§ 83. Burial of soldiers, sailors and marines.—The board of supervisors in each of the counties shall designate some proper person or authority, other than that designated for the care of poor persons or the custody of criminals, who shall cause to be interred, the body of any honorably discharged soldier, sailor or marine, who has served in the military or naval service of the United States, who shall hereafter die without leaving means sufficient to defray his funeral expenses, but such expenses shall in no case exceed thirty-five dollars. If the deceased has relatives or friends who desire to conduct the burial, but are unable or unwilling to pay the charges therefor, such sum shall be paid by the county treasurer upon due proof of the claim, and of the death and burial of the soldier, sailor or marine to the person so conducting such burial. Such interment shall not be made in a cemetery or cemetery plot used exclusively for the burial of poor persons deceased.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

CHAPTER 475.

An Act to amend the poor law, in relation to the relief of soldiers, sailors and their families.

Became a law April 17, 1900, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty of chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the poor, constituting chapter twenty-seven of the general laws," as amended by chapter eighty-three of the laws of eighteen hundred and ninety-nine, is hereby further amended to read as follows:

§ 80. Relief of soldiers and their families.—No poor or indigent soldier, sailor or marine who has served in the military or naval service of the United States, nor his family nor the families of any who may be deceased, shall be sent to any almshouse, but shall be relieved and provided for at their homes in the city or town where they may reside, so far as practicable, provided such soldier, sailor or marine or the families of those deceased, are, and have been residents of the state for one year and the proper auditing board of such city or town in those counties where the poor are a county charge, the superintendent, if but one, or superintendents of the poor, as such auditing board in those counties shall provide such sum or sums of money as may be necessary to be drawn upon by the commander and quartermaster of any post of the Grand Army of the Republic of the city or town, made upon the written recommendation of the relief committee of such post; or if there be no post in a town or

city in which it is necessary that such relief should be granted, upon the like request of the commander and quartermaster and recommendation of the relief committee of a Grand Army post located in the nearest town or city, to the town or city requested to so furnish relief, and such written request and recommendation shall be a sufficient authority for the expenditures so made.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

LAWS OF 1901.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, article II, chapter 8, General Laws.]

CHAPTER 26.

An Act to amend chapter two hundred and twenty of the laws of 1895, entitled "An act to enable veterans to participate in the exercises of Memorial day."

Became a law February 19, 1901, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section one of chapter two hundred and twenty of the laws of 1895, entitled "An act to enable veterans to participate in the exercises of Memorial Day," is hereby amended to read as follows:

Section 1. It shall be the duty of the head of every public department and of every court of the state of New York, or every superintendent or foreman on the public works of said state, of the county officers of the several counties of the said state, and of the head of every department, bureau and office in the government of the various cities and villages of this state, to give leave of absence with pay for the twenty-four hours of the thirtieth day of May or such other day as may, according to law, be observed as Memorial day, to every person in the service of the state, the county, the city or village, as the case may be, who served in the army or the navy of the United States in the war of the rebellion and who was honorably discharged from such service. A refusal to give such leave of absence to one entitled thereto, shall be neglect of duty.

§ 2. All laws or parts of laws, special or general, so far as inconsistent with this act, are hereby repealed.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

CHAPTER 533.

An Act relating to the rights of veterans.

Became a law April 25, 1901, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The provisions of a special, local or general law, passed by the legislature of this state during the year 1901, shall not be construed to permit a suspension or removal by municipal authorities of honorably discharged soldiers, sailors or marines, who served as such in the Union army or navy during the war of the rebellion or in the army or navy of the United States during the Spanish-American war, or who are honorably discharged soldiers, sailors or marines of the regular army or navy of the United States or who shall have served the term required by law in a volunteer fire department of any city, town or village in the state, or who shall have been a member thereof at the time of the disbandment of such volunteer fire department, except for incompetency or misconduct in the manner prescribed by section 21 of the civil service law; nor shall any of the provisions of any such special, general or local law, passed by the legislature during such year be construed to abridge any of the rights and privileges possessed by such honorably discharged soldiers, sailors or marines, or members of a volunteer fire depart-

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ment, conferred upon them by any law passed prior to January 1, 1901.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

Laws of 1902.

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, article II, chapter 8, General Laws.]

CHAPTER 270.

An Act to amend the civil service law, in relation to veterans.

Became a law March 29, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections eight, twenty and twenty-one of chapter three hundred and seventy of the laws of eighteen hundred and ninety-nine, entitled "An act in relation to the civil service of the state of New York and the cities and civil divisions thereof," are hereby amended to read as follows:

§ 8. Unclassified service; classified service.—The civil service of the state and of each of its civil divisions and cities shall be divided into the unclassified service and the classified service. The unclassified service shall comprise all elective offices, all offices filled by election or appointment by the legislature on joint ballot; all persons appointed by name in any statute; all legislative officers and employees, all offices filled by appointment by the governor, either upon or without confirmation by the senate, except officers and employees in the executive offices; all election officers, the head or heads of any department of the government, and persons employed in or who seek to enter the public service as superintendents, principals or teachers in a public school or academy or in a state normal school or college. The classified service shall comprise all positions not included in the unclassified service. All appointments or employments in the classified service, except those of veterans of the civil war,

honorably discharged from the military or naval service of the United States, shall be for a probationary term not exceeding the time fixed in the rules.

§ 20. Preferences allowed honorably discharged soldiers, sailors and marines.—In every public department and upon all public works of the state of New York and of the cities, counties, towns and villages thereof, honorably discharged soldiers, sailors and marines from the army and navy of the United States in the late civil war who are citizens and residents of this state, shall be entitled to preference in appointment and promotion without regard to their standing on any list from which such appointment or promotion may be made to all competitive and non-competitive positions provided their qualifications and fitness shall have been ascertained as provided in this act and the rules and regulations in pursuance thereof; and the persons thus preferred shall not be disqualified from holding any position in the civil service on account of his age or by reason of any physical disability provided such age or disability does not render him incompetent to perform the duties of the position applied for. Whenever any list of eligible persons, prepared under authority of this act, shall contain the names of honorably discharged soldiers, sailors and marines entitled to preference as aforesaid any reference in this act or in the rules and regulations in pursuance thereof to the persons standing highest on such list shall be deemed to indicate those standing highest of those entitled to preference by the provisions of this section and such person shall be given preference on any list of registered applicants for employment in the labor service, in accordance with the dates of their several applications as though such applications had been filed prior to those of any persons on such lists not entitled to the preference provided by this section. A refusal to allow the preference provided for in this and the next succeeding section to any honorably discharged soldier, sailor or marine or a reduction of his compensation (intended to bring about his resignation) shall be deemed a misdemeanor, and such honorably discharged soldier, sailor or marine shall have a right of action therefor in any court of competent jurisdiction for damages, and also a remedy by mandamus for righting the wrong.

§ 21. Power of removal limited.—Every person whose rights may be in any way prejudiced contrary to any of the provisions of this section shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of New York or in the several cities, counties, towns or villages thereof, who is an honorably discharged soldier, sailor or marine, having served as such in the Union army or navy during the war of the rebellion and who is an honorably discharged soldier, sailor or marine, having served as such in the volunteer army or navy of the United States during the Spanish war, or who shall have served the term required by law in the volunteer fire department of any city, town or village in the state, or who shall have been a member thereof at the time of disbandment of such volunteer fire department, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing upon due notice, upon stated charges and with the right to such employee or appointee to a review by a writ of certiorari. If the position so held by any such honorably discharged soldier, sailor or marine, or volunteer fireman shall become unnecessary or be abolished for reason of economy or otherwise, the said honorably discharged soldier, sailor or marine, or volunteer fireman holding the same shall not be discharged from the public service, but shall be transferred to any branch of the said service for duty in such position as he may be fitted to fill, receiving the same compensation therefor, and it is hereby made the duty of all persons clothed with power of appointment to make such transfer effective. The burden of proving incompetency or misconduct shall be upon the person alleging the same. Nothing in this section shall be construed to apply to the position of private secretary, cashier or deputy of any official or department.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,

Secretary of State.

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CHAPTER 206.

An Act in relation to the removal of the remains of deceased soldiers from potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries.

Became a law March 21, 1902, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The town board in each of the towns of this state may upon the application in writing of any veteran soldiers' association in the town, or upon a petition in writing of five or more veteran soldiers in towns where no veteran soldiers' organization exists, purchase or provide a soldiers' plot in one or more cemeteries where no burial plots are now owned by soldiers' organizations, in which burial plots deceased soldiers may be interred, and may also provide for the annual care of soldiers' burial plots in cemeteries, at the rate of not to exceed fifty cents for each soldier's grave in such burial plot or plots and the expense shall be included in the town expenses, assessed, levied and collected in the same manner as other town expenses are levied and collected.

§ 2. Upon a verified petition presented to a judge of a court of record by any soldiers' organization in any town in this state by a majority of its officers, or a majority of any memorial committee in any town where there are two or more veteran soldiers' organizations, or in towns where there are no veteran soldiers' organizations, may upon the petition of five or more veteran soldiers, the judge to whom said verified petition is presented shall make an order to show cause, returnable before him at a time and place within the county in not less than fourteen nor more than twenty days from the date of the presentation of said petition, why the remains of any deceased soldiers buried in potter's field, or in any neglected or abandoned cemeteries

should not be removed to and reinterred in a properly kept incorporated cemetery in the same town or in a town adjoining the town in which the remains of a deceased soldier is buried, and to fix the amount of the expenses for such removal and reinterment, and the order to show cause shall provide for its publication in a newspaper, to be designated in the order, which is published nearest to the cemetery from which the removal is sought to be made, once in each week for two successive weeks. The verified petition presented to the judge shall show that the petitioners are a majority of the officers of a veteran soldier organization, or a majority of a memorial committee in towns where two or more veteran soldier organizations exist, or that the petitioners are honorably discharged veteran soldiers in towns where no veteran soldier organization exists, and (1) the name of the deceased soldier or soldiers whose remains are sought to be removed, and if known the company and regiment in which he or they served; (2) the name and location of the cemetery in which he is interred and from which removal is asked to be made; (3) the name and location of the incorporated cemetery to which the remains are desired to be removed and reinterred; (4) the facts showing the reasons for such removal. Upon the return day of the order to show cause and at the time and place fixed in said order, upon filing proof of publication of the order to show cause with the judge, if no reason or objection is made thereto, he shall make an order directing the removal of the remains of said deceased soldier or soldiers to the cemetery designated in the petition within the town or within a town adjoining the one in which the remains are then buried and shall specify in the order the amount of the expenses of such removal, which expenses of removal and reinterment shall be a charge upon the town from which the removal is made and such expenses shall be audited by the town board and included in the tax levy of the town and paid the same as other town charges, and on and after the removal and reinterment of the remains of the deceased soldier or soldiers in a soldiers' plot, the expenses for annual care of the grave in the soldiers' burial plot to which the removal is made shall be annually provided by the town in which the remains were originally buried, at the rate of not to exceed fifty cents per

grave and shall be paid annually to the incorporated cemetery association to which the remains of each deceased soldier may be removed and reinterred. The petition and order shall be filed in the county clerk's office of the county in which the remains of the deceased soldier were originally interred, and the service of a certified copy of the final order upon the cemetery association shall be made prior to any removal. Any relative of the deceased soldier or soldiers, or the officer of any cemetery association in which the remains of the deceased soldier or soldiers were originally interred, or the authorities of the town in which the soldier or soldiers were originally buried may oppose the granting of said order and the judge shall summarily hear the statement of the parties and make such order as the justice and equity of the application shall require. Any headstone or monument which marks the grave of the deceased soldier shall be removed and reset at the grave in the cemetery to which the removal is permitted to be made and in each case the final order shall provide the amount of the expenses of such removals and reinterment and resetting of the headstone or monument. The order shall designate the person or persons having charge of the removals and reinterments. Upon completion of the removal, reinterment and resetting of the headstones or monuments, the person or persons having charge of the same shall make a verified report of the removal, reinterment and resetting of the headstone or monument and file the report in the clerk's office for the proper county. The word "soldier" shall be construed to mean an honorably discharged soldier, sailor or marine who served in the army or navy of the United States, and the words "soldiers' plot" shall be construed to mean a plot of land in any incorporated cemetery set apart to be exclusively used as a place for interring the remains of deceased veteran soldiers of the United States.

§ 3. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN T. McDONOUGH,
Secretary of State.

LAWS OF 1903

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, article II, chapter 8, General Laws.]

CHAPTER 108.

An Act to amend the public building law, in relation to the trustees of the New York State Soldiers' and Sailors' Home.

Became a law March 31, 1903, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section forty of chapter two hundred and twenty-seven of the laws of eighteen hundred and ninety-three, entitled "An act relating to public buildings, constituting chapter fourteen of the general laws," is hereby amended to read as follows:

§ 40. Trustees.—The property heretofore conveyed to the state by the corporation known as the Grand Army of the Republic Soldiers' Home of New York, and all property heretofore or hereafter acquired by the state for the same purpose, shall continue to be known as the New York State Soldiers and Sailors' Home, and shall continue to be under the management and control of a board of trustees consisting of twelve members, of which the governor, attorney-general and the commander of the department of New York, Grand Army of the Republic, shall be ex-officio members; and the remaining nine members shall be reputable citizens of the state appointed by the governor, by and with the advice and consent of the Senate, and each shall hold office for three years. No trustee shall receive any compensation for his services as such trustee or otherwise, except the trustee elected to act as secretary who may receive a reasonable annual compensation for his services, to be fixed by the board, with the approval of the comptroller, not exceeding the sum of two hundred and fifty dollars. The board shall an-

nually elect by ballot a president, secretary, treasurer and executive committee, but the offices of secretary and treasurer may be held by one trustee or separately as the board may determine. The board shall be known as the board of trustees of the New York State Soldiers and Sailors' Home.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

Given under my hand and the seal of office of the Secretary of State, at the city of Albany, this first day of April, in the year one [L. S.] thousand nine hundred and three.

HORACE G. TENNANT,
Second Deputy Secretary of State.

CHAPTER 172.

An Act to amend the highway law, in relation to assessments for highway labor.

Became a law April 14, 1903, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section thirty-three of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter three hundred and fifty-three of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

2. Every male inhabitant being above the age of twenty-one years, excepting all honorably discharged soldiers and sailors who lost an arm or leg in the military or naval service of the United States, or who are unable to perform manual labor by reason of injuries received, or disabilities incurred in such service, members of any fire company formed or created pursuant to any statute and situated within such town, persons seventy years of age, clergymen and priests of every denomination, paupers, idiots and lunatics, shall be assessed at least once a day.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN F. O'BRIEN,
Secretary of State.

CHAPTER 272.

An Act to amend section six hundred and forty of the penal code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this state.

Became a law April 24, 1903, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision sixteen of section six hundred and forty of the penal code as added by chapter twelve of the laws of eighteen hundred and ninety-nine is hereby amended to read as follows:

16. Any person, who in any manner, for exhibition or display, shall place or cause to be placed, any word, figure, mark, picture, design, drawing or any advertisement, of any nature, upon any flag, standard, color or ensign of the United States or state flag of this state or ensign, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which shall be printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or who shall expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise upon which shall have been printed, painted, attached, or otherwise placed, a representation of any such flag, standard, color, or ensign, to advertise, call attention to, decorate, mark, or distinguish, the article, or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt,

either by words or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words, flag, standard, color or ensign, as used in this subdivision or section, shall include any flag, standard, color, ensign, or any picture or representation, of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of, said flag, standard, color or ensign, of the United States of America, or a picture or a representation, of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign, of the United States of America. This subdivision and section shall not apply to any act permitted by the statutes of the United States of America or by the United States army and navy regulations nor shall it be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, article of jewelry, or stationery for use in correspondence, on any of which shall be printed, painted or placed, said flag, disconnected from any advertisement.

§ 2. This act shall take effect September first, nineteen hundred and three.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN F. O'BRIEN,
Secretary of State.

See also chapter 273, Laws of 1866; chapter 203, Laws of 1881; chapter 247, Laws of 1883; chapter 11, Laws of 1885; chapter 216, Laws of 1887; chapter 468, Laws of 1894; sections 80-81-83, chapter 225, Laws of 1896 (chapter 27, General Laws); subdivision 5, section 4, chapter 908, Laws of 1896 (chapter 24, General Laws); and chapter 337, Laws of 1898.

LAWS OF 1904

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, article II, chapter 8, General Laws.]

CHAPTER 96.

An Act to amend section eighty-three of chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, as amended by chapter twenty-four of the laws of nineteen hundred in relation to the burial of soldiers, sailors or marines, and their wives or widows.

Became a law March 25, 1903, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eighty-three of chapter two hundred and twenty-five of the laws of eighteen hundred and ninety-six, entitled "An act in relation to the poor, constituting chapter twenty-seven of the general laws, as amended by chapter twenty-four of the laws of nineteen hundred," is hereby amended to read as follows:

§ 83. The board of supervisors in each of the counties shall designate some proper person or authority, other than that designated for the care of poor persons, or the custody of criminals, who shall cause to be interred the body of any honorably discharged soldier, sailor or marine, who has served in the military or naval service of the United States, or the body of the wife or widow of any soldier, sailor or marine, married to him previous to eighteen hundred and ninety, who shall die such widow, and who shall hereafter die without leaving sufficient means to defray his or her funeral expenses, but such expenses shall in no case exceed thirty-five dollars. If the deceased has relatives or friends who desire to conduct the burial, but are

unable or unwilling to pay the charge therefor, such sum shall be paid by the county treasurer, upon due proof of the claim, and of the death and burial of the soldier, sailor or marine, or of the wife or widow of such soldier, sailor or marine to the person so conducting such burial. Such interment shall not be made in a cemetery or cemetery plot used exclusively for the burial of poor persons deceased.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN F. O'BRIEN,
Secretary of State.

CHAPTER 172.

An Act to amend the highway law, in relation to assessments for highway labor.

Became a law April 14, 1903, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision two of section thirty-three of chapter five hundred and sixty-eight of the laws of eighteen hundred and ninety, entitled "An act in relation to highways, constituting chapter nineteen of the general laws," as amended by chapter three hundred and fifty-three of the laws of eighteen hundred and ninety-eight, is hereby amended to read as follows:

2. Every male inhabitant being above the age of twenty-one years excepting all honorably discharged soldiers and sailors who lost an arm or a leg in the military or naval service of the United States, or who are unable to perform manual labor by reason of injuries received, or disabilities incurred in such service, members of any fire company formed or created pursuant to any statute and situated within such town, persons seventy years of

age, clergymen and priests of every denomination, paupers, idiots and lunatics shall be assessed at least one day.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN F. O'BRIEN,
Secretary of State.

CHAPTER 272.

An Act to amend section six hundred and forty of the penal code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this state.

Became a law April 24, 1903, with the approval of the Governor. Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision sixteen of section six hundred and forty of the penal code as added by chapter twelve of the laws of eighteen hundred and ninety-nine is hereby amended to read as follows:

16. Any person, who in any manner, for exhibition or display, shall place or cause to be placed, any word, figure, mark, picture, design, drawing or any advertisement, of any nature, upon any flag, standard, color or ensign of the United States or state flag of this state or ensign, or shall expose or cause to be exposed to public view any such flag, standard, color or ensign, upon which shall be printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed, any word, figure, mark, picture, design, or drawing, or any advertisement of any nature, or who shall expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article, or substance, being an article of merchandise, or a receptacle of merchandise upon which shall have been printed, painted, attached, or other-

wise placed, a representation of any such flag, standard, color, or ensign, to advertise, call attention to, decorate, mark, or distinguish, the article, or substance, on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words, flag, standard, color or ensign, as used in this subdivision or section, shall include any flag, standard, color, ensign, or any picture or representation, of either thereof, made of any substance, or represented on any substance, and of any size, evidently purporting to be, either of said flag, standard, color or ensign, of the United States of America, or a picture or a representation, of either thereof, upon which shall be shown the colors, the stars, and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation may believe the same to represent the flag, colors, standard, or ensign, of the United States of America. This subdivision and section shall not apply to any act permitted by the statutes of the United States of America or by the United States army and navy regulations nor shall it be construed to apply to a newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant or commission of appointment to office, ornamental picture, article of jewelry, or stationery for use in correspondence, on any of which shall be printed, painted or placed, said flag, disconnected from any advertisement.

§ 2. This act shall take effect September first, nineteen hundred and three.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN F. O'BRIEN,
Secretary of State.

CHAPTER 506.

An Act to amend chapter two hundred and six of the laws of nineteen hundred and two, entitled "An act in relation to the removal of the remains of deceased soldiers from potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removal and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries," relative to the erection of new headstones or monuments in the cemeteries to which such remains have been removed.

Became a law April 29, 1904, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter two hundred and six of the laws of nineteen hundred and two, entitled "An act in relation to the removal of the remains of deceased soldiers from potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plot and for the removal and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries," is hereby amended to read as follows:

§ 2. Upon a verified petition presented to a judge of a court of record by any soldiers' organization in any town in this state by a majority of its officers, or a majority of any memorial committee in any town where there are two or more veteran soldiers' organizations, or in towns where there are no veteran soldiers' organizations, may upon the petition of five or more veteran soldiers, the judge to whom said verified petition is presented shall make an order to show cause, returnable before him at a time and place within the county in not less than fourteen nor more than twenty days from the date of presentation of said petition, why the remains of any deceased soldiers buried in potter's field, or in any neglected or abandoned cemeteries should not be removed to and reinterred in a properly kept incorporated cemetery in the same town or in a town adjoining the town in

which the remains of a deceased soldier is buried, and to fix the amount of the expenses for such removal and reinterment, and the order to show cause shall provide for its publication in a newspaper, to be designated in the order, which is published nearest to the cemetery from which the removal is sought to be made, once in each week for two successive weeks. The verified petition presented to the judge shall show that the petitioners are a majority of the officers of a veteran soldier organization, or a majority of a memorial committee in towns where two or more veteran soldier organizations exist, or that the petitioners are honorably discharged veteran soldiers in towns where no veteran soldier organization exists, and (1) the name of the deceased soldier or soldiers whose remains are sought to be removed, and if known the company and regiment in which he or they served; (2) the name and location of the cemetery in which he is interred and from which removal is asked to be made; (3) the name and location of the incorporated cemetery to which the remains are desired to be removed and reinterred; (4) the facts showing the reasons for such removal. Upon the return day of the order to show cause and at the time and place fixed in said order, upon filing proof of publication of the order to show cause with the judge, if no reason or objection is made thereto, he shall make an order directing the removal of the remains of said deceased soldier or soldiers to the cemetery designated in the petition within the town or within a town adjoining the one in which the remains are then buried and shall specify in the order the amount of the expenses of such removal, which expenses of removal and reinterment shall be a charge upon the town from which the removal is made and such expenses shall be audited by the town board and included in the tax levy of the town and paid the same as other town charges, and on and after the removal and reinterment of the remains of the deceased soldier or soldiers in a soldiers' plot, the expenses for annual care of the grave in the soldiers' burial plot, to which the removal is made shall be annually provided by the town in which the remains were originally buried, at the rate of not to exceed fifty cents per grave and shall be paid annually to the incorporated cemetery association to which the remains of each deceased soldier may be removed and reinterred. The petition and order shall be filed in the county clerk's office of the county in which the remains of

the deceased soldier were originally interred, and the service of a certified copy of the final order upon the cemetery association shall be made prior to any removal. Any relative of the deceased soldier or soldiers, or the officer of any cemetery association in which the remains of the deceased soldier or soldiers were originally interred, or the authorities of the town in which the soldier or soldiers was originally buried may oppose the granting of said order and the judge shall summarily hear the statement of the parties and make such order as the justice and equity of the application shall require. Any headstone or monument which marks the grave of the deceased soldier shall be removed and reset at the grave in the cemetery in which the removal is permitted to be made and in each case the final order shall provide the amount of the expenses of such removals and reinterment and resetting of the headstone or monument; except that where provision is otherwise made for the purchase or erection of a new headstone, monument, or marker at the grave in the cemetery to which such removal is permitted, such old headstone or monument need not be so removed and reset, in which case such final order shall not provide for the expense of resetting. The order shall designate the person or persons having charge of the removals and reinterments. Upon completion of the removal, reinterment and resetting of the headstones or monuments, the person or persons having charge of the same shall make a verified report of the removal, reinterment and resetting of the headstone or monument and file the report in the clerk's office of the proper county. The word "soldier" shall be construed to mean an honorably discharged soldier, sailor or marine who served in the army or navy of the United States, and the words "soldiers' plot" shall be construed to mean a plot of land in any incorporated cemetery set apart to be exclusively used as a place for interring the remains of deceased veteran soldiers of the United States.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN F. O'BRIEN,
Secretary of State.

CHAPTER 556.

An Act to amend chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-six, entitled "An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within the state," in relation to auction sales.

Became a law May 3, 1904, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one and two of chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-six, entitled "An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this state," as amended by chapter six hundred and fifty-nine of the laws of eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

Section 1. Every honorably discharged soldier, sailor or marine of the military or naval service of the United States, who is a resident of this state and a veteran of the late rebellion or who shall have served beyond sea, shall have the right to hawk, peddle, vend and sell by auction his own goods, wares or merchandise or solicit trade within this state, by procuring a license for that purpose to be issued as herein provided.

§ 2. On the presentation to the clerk of any county in which any soldier, sailor or marine may reside, of a certificate of discharge from the army or navy of the United States, and a veteran of the late rebellion or proof of such service beyond sea, such county clerk shall issue without cost to such soldier, sailor or marine a license certifying him to be entitled to the benefits of this act.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN F. O'BRIEN,
Digitize Secretary of State.

CHAPTER 637.

An Act to amend chapter five hundred and thirty-three of the laws of nineteen hundred and one, entitled "An act relating to the rights of veterans."

Became a law May 9, 1904, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of paragraph five hundred and thirty-three of the laws of nineteen hundred and one, entitled "An act relating to the rights of veterans," is hereby amended so as to read as follows:

§ 2. Any honorably discharged soldier, sailor or marine, who having served as such in the Union army or navy during the war of the rebellion, shall in contravention or violation of any provision of section twenty-one of the civil service law have been, or may hereafter be removed from any position held by him by appointment or employment in the state of New York or in the several cities, counties, towns or villages thereof and who shall have been restored to such position or employment either by a peremptory writ of mandamus of the supreme court or by final order on a writ of certiorari, as authorized by said section twenty-one, shall be entitled to receive and shall receive from said state or the city, county, town or village thereof under which said position or employment was held by him, the same compensation therefor from the date of such unlawful removal to the date of his said restoration to said position or employment which he would have been entitled by law to have received in such position or employment but for such unlawful removal, and such veteran shall be entitled to a writ of mandamus to enforce the payment thereof, and such compensation or salary or wages, due in such position or employment shall be subject to the provisions of section sixty-six of the code of civil procedure for services rendered in either or both said special proceedings but otherwise shall be paid only directly to such veteran.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN F. O'BRIEN,

Secretary of State.

LAWS OF 1905

LAWS OF NEW YORK—By Authority.

[Every law, unless a different time shall be prescribed therein, shall not take effect until the twentieth day after it shall have become a law. Section 43, article II, chapter 8, General Laws.]

CHAPTER 162.

An Act to amend chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-six, entitled "An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this state," in relation to auction sales.

Became a law April 8, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Sections one and two of chapter three hundred and seventy-one of the laws of eighteen hundred and ninety-six, entitled "An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling, and vending of merchandise within this state," as amended by chapter six hundred and fifty-nine of the laws of eighteen hundred and ninety-nine and chapter five hundred and fifty-six of the laws of nineteen hundred and four are hereby amended to read as follows:

§ 1. Every honorably discharged soldier, sailor or marine of the military or naval service of the United States, who is a resident of this state and a veteran of the late rebellion, or of the Spanish-American war, or who shall have served beyond sea, shall have the right to hawk, peddle, vend and sell by auction his own goods, wares or merchandise or solicit trade within this state, by producing a license for that purpose to be issued as herein provided.

§ 2. On the presentation to the clerk of any county in which any soldier, sailor or marine may reside of a certificate of honorable discharge from the army or navy of the United States which discharges shall show that the person presenting it is a veteran of the late rebellion or of the Spanish-American war, or that he has served beyond sea, such county clerk shall issue without cost to such soldier, sailor or marine a license certifying him to be entitled to the benefits of this act.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN F. O'BRIEN,
Secretary of State.

CHAPTER 391.

AN ACT to amend chapter two hundred and six of the laws of nineteen hundred and two, entitled "An act in relation to the removal of the remains of deceased soldiers from potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries," providing for the payment of certain expenses by the county.

Became a law, May 16, 1905, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section two of chapter two hundred and six of the laws of nineteen hundred and two, entitled "An act in relation to the removal of the remains of deceased soldiers from potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining

plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries," as amended by chapter five hundred and six of the laws of nineteen hundred and four, is hereby amended to read as follows:

§ 2. Upon a verified petition presented to a judge of a court of record by any soldiers' organization in any town or city in this state by a majority of its officers, or a majority of any memorial committee in any town or city where there are two or more veteran soldiers' organizations, or in towns or cities where there are no veteran soldiers' organizations, upon the petition of five or more veteran soldiers, the judge to whom said verified petition is presented shall make an order to show cause, returnable before him at a time and place within the county in not less than fourteen nor more than twenty days from the date of presentation of said petition, why the remains of any deceased soldiers buried in potter's field, or in any neglected or abandoned cemeteries should not be removed to and reinterred in a properly kept incorporated cemetery in the same town or city or in a town adjoining the town or city in which the remains of a deceased soldier is buried, and to fix the amount of the expenses for such removal and reinterment, and the order to show cause shall provide for its publication in a newspaper, to be designated in the order, which it is published nearest to the cemetery from which the removal is sought to be made, once in each week for two successive weeks. The verified petition presented to the judge shall show that the petitioners are a majority of the officers of a veteran soldier organization, or a majority of a memorial committee in towns or cities where two or more veteran soldier organization* exist, or that the petitioners are honorably discharged veteran soldiers in towns or cities where no veteran soldier organization exists, and (1) the name of the deceased soldier or soldiers whose remains are sought to be removed, and if known the company and regiment in which he or they served; (2) the name and location of the cemetery in which he is interred and from which removal is asked to be made; (3) the name and location of the incorporated cemetery to which the remains are desired to be

*So in original.

removed and reinterred; (4) the facts showing the reasons for such removal. Upon the return day of the order to show cause and at the time and place fixed in said order, upon filing proof of publication of the order to show cause with the judge, if no reason or objection is made thereto, he shall make an order directing the removal of the remains of said deceased soldier or soldiers to the cemetery designated in the petition within the town or city or within a town adjoining the town or city in which the remains are then buried and shall specify in the order the amount of the expenses of such removal, which expenses of removal and reinterment, including the expense of the proceeding under this act, shall be a charge upon the county in which the town or city is situated from which the removal is made and such expenses shall be a county charge and audited by the board of supervisors of the county and paid in the same manner as other county charges. On and after the removal and reinterment of the remains of the deceased soldier or soldiers in the soldiers' plot, the expenses for annual care of the grave in the soldiers' burial plot to which the removal is made shall be annually provided by the town or city in which the remains were originally buried, at the rate of not to exceed fifty cents per grave and shall be paid annually to the incorporated cemetery association to which the remains of each deceased soldier may be removed and reinterred. The petition and order shall be filed in the county clerk's office of the county in which the remains of the deceased soldier were originally interred, and the service of a certified copy of the final order upon the cemetery association shall be made prior to any removal. Any relative of the deceased soldier or soldiers, or the officer of any cemetery association in which the remains of the deceased soldier or soldiers were originally interred, or the authorities of the county in which the soldier or soldiers was originally buried may oppose the granting of said order and the judge shall summarily hear the statement of the parties and make such order as the justice and equity of the application shall require. Any headstone or monument which marks the grave of the deceased soldier shall be removed and reset at the grave in the cemetery in which the removal is permitted to be made and in each case the final order shall provide the amount of the expenses of

such removals and reinterment and resetting of the headstone or monument, including the expenses of the proceedings under this act; except that where provision is otherwise made for the purchase or erection of a new headstone, monument, or marker at the grave in the cemetery to which such removal is permitted, such old headstone or monument need not be so removed and reset, in which case such final order shall not provide for the expense of resetting. The order shall designate the person or persons having charge of the removals and reinterments. Upon completion of the removal, reinterment and resetting of the headstones or monuments, the person or persons having charge of the same shall make a verified report of the removal, reinterment and resetting of the headstone or monument and file the report in the clerk's office of the proper county. The word "soldier" shall be construed to mean an honorably discharged soldier, sailor or marine who served in the army or navy of the United States, and the words "soldiers' plot," shall be construed to mean a plot of land in any incorporated cemetery set apart to be exclusively used as a place for interring the remains of deceased veteran soldiers of the United States.

§ 2. This act shall take effect immediately.

STATE OF NEW YORK
ATTORNEY-GENERAL'S OFFICE,
ALBANY, N. Y.

Dear Sir:—By reason of the numerous inquiries made for information as to the right to assess pension money or property purchased with pension money, I have prepared this letter, which I trust will answer these questions.

Section 4747 of the United States Revised Statutes provides: "No sum of money due, or to become due to any pensioner, shall be liable to attachment, levy or seizure by or under any legal or equitable process whatever, whether the same remains with the pension office or any officer or agent thereof, or is in the course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner."

Chapter 348, Laws of 1897, amending section 1393 of the Code of Civil Procedure became a law April 23, 1897, and reads as follows:

“Military pay, rewards, et cetera, exempt from execution and other legal proceedings.—The pay and bounty of a non-commissioned officer, musician or private in the military or naval service of the United States or the state of New York; a land warrant, pension or other reward heretofore or hereafter granted by the United States, or by a state, for military or naval service; a sword, horse, medal, emblem or device of any kind presented as a testimonial for services rendered in the military or naval service of the United States or a state; and the uniform, arms and equipments which were used by a person in that service, are also exempt from levy and sale, by virtue of an execution, and from seizure for non-payment of taxes, or in any other legal proceeding; except that real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned by the pensioner, or by his wife or widow, is subject to seizure and sale for the collection of taxes or assessments lawfully levied thereon.

§ 2. This act shall take effect September first, eighteen hundred and ninety-six.”

It will be noticed that there was an apparent oversight in fixing the time when this law should take effect. So far as relates to the question under consideration, this act should be read in connection with chapter 347, Laws of 1897, which is an amendment to the general tax law, relating to the exemption of property from taxation (sub. 5, sec. 4, chap. 908, Laws of 1896), which reads as follows:

“All property exempt by law from execution, other than an exempt homestead. But real property purchased with the proceeds of a pension granted by the United States for military or naval services, and owned and occupied by the pensioner, or by his wife or widow, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax districts. At the meeting of the assessors to hear the complaints concerning assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the owner thereof,

which application must show the facts on which the exemption is claimed, including the amount of pension money used in or toward the purchase of such property. If the assessors are satisfied that the applicant is entitled to the exemption, and that the amount of pension money used in the purchase of such property equals or exceeds the assessed valuation thereof, they shall enter the word "exempt" upon the assessment-roll opposite the description of such property. If the amount of such pension money used in the purchase of the property is less than the assessed valuation, they shall enter upon the assessment-roll the words "exempt to the extent of.....dollars" (naming the amount) and thereupon such real property, to the extent of the exemption entered by the assessors, shall be exempt from state, county and general municipal taxation, but shall be taxable for local school purposes, and for the construction and maintenance of streets and highways. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The entries above required shall be made and continued in each assessment of the property so long as it is exempt from taxation for any purpose. The provisions herein relating to the assessment and exemption of property purchased with a pension apply and shall be enforced in each municipal corporation authorized to levy taxes."

This act became a law on the same day as did chapter 348.

Section 1393 of the Code of Civil Procedure, under which exemption was heretofore allowed, remains the same as before the amendment by chapter 348, Laws of 1897, except as it relates to real estate purchased with pension money, and as chapters 347 and 348 became laws on the same day, and were evidently intended as companion bills, and both so far as relates to the exemption from taxation of real estate purchased with pension money, should be read together and made to harmonize so as to give full and immediate effect to said chapter 347.

The purpose and effect of the former law (section 1393, Code of Civil Procedure) has been quite clearly defined by the courts of this State, and to a considerable extent apply to the present law. For instance:

In the case of the Yates County National Bank against Car-

penter, 119, N. Y., 555, Chief Justice Ruger, in delivering the opinion of the court, said:

"The plain purpose of the act was to promote the comfort of the soldier, to secure to him the bounty of the government, free from the claims of creditors, and to insure to him and his family a safe, although modest maintenance, so long as their needs require it. In the case of the exemption of money or its equivalent, there has been some controversy in the courts with reference to the extent to which the exemption shall be carried. In such case it is somewhat difficult to lay down a rule in precise terms, by which it may be determined in all cases, what property is liable and what exempt from levy and seizure upon legal process from the payment of debts; but we entertain no doubt that where the receipt of a pension can be directly traced to the purchase of property, necessary and convenient for the support and maintenance of the pensioner and his family, such property is exempt under the provisions of this statute. Where such moneys can be clearly identified and are used in the purchase of necessary articles, or are loaned or invested for purposes of increase or safety, in such form as to secure their available use for the benefit of the pensioner in time of need, we do not doubt but that they come within the meaning of the statute; but where they have been embarked in trade, commerce or speculation and become mingled with other funds so as to be incapable of identification, or separation, we do not doubt but that the pensioner loses the benefit of the statutory exemption."

The General Term of the Supreme Court in *Buffum* against *Forster*, 77 Hun, 27, in its opinion on the question of pension exemption said: "It must now be regarded as settled that not only pension money, but also property purchased by the pensioner with said money, which is necessary or convenient for the support and maintenance of himself and family, is exempt. In order to relieve his real estate from the lien, he must establish as facts that he was a pensioner and that the real estate was purchased with his pension money."

The court, in *Stockwell* against the National Bank of *Malone*, 36 Hun, 584, holds that section 4747, hereinbefore quoted, protects the pension money until it reaches the hands of the pen-

sioner, or, in the words of the court, protects it, "in the course of transmission" and "that section 1393 of the Code of Civil Procedure did not intend to prevent the pensioner from using his pension." And further, "we should be disposed to hold that everything bought in the ordinary way of using and enjoying such pension would be exempt as the pension itself is. The object of this section is to secure the pensioner in the use and enjoyment of this gift of the government, and to prevent his creditors from taking it away."

The right to exemption and the duty of assessors pertaining to assessment of property purchased with pension money seem to be very plain under the amendments of 1897.

Real property purchased with pension money is not exempt from taxation until the application under oath has been made to the assessors and allowed as provided by law. It is therefore incumbent upon the person claiming exemption to establish before the assessors, under oath, facts sufficient to justify the exemption, and after the exemption has been allowed by the assessors and entered upon the assessment roll as provided in chapter 347, no further application for such exemption will be necessary.

In claiming exemption the claimant should show the amount of his or her pension money invested in the real estate sought to be exempted, or if it be the wife or widow of the pensioner the amount of her husband's pension paid in, and also in each case that the real estate is owned and occupied by such claimant. Under the former law, pension exemption was considered personal with the pensioner, and was only allowed when the property was owned by the pensioner. Now it inures to the benefit of the pensioner's wife or widow as well, when owned and occupied by her, but in any event such property is taxable for school and highway purposes.

Respectfully,

.....

Attorney-General.

ROSTER
OF THE
DEPARTMENT OF NEW YORK,
Grand Army of the Republic
ALBANY, NEW YORK.
1906.

Department Officers.

Department Commander.....	JAMES M. SNYDER
Senior Vice-Commander.....	GEORGE E. DEWEY
Junior Vice-Commander.....	D. J. O'BRIEN
Medical Director.....	WILLIAM TAYLOR, M. D.
Chaplain.....	REV. ASHER COOK

Official Staff.

Assistant Adjutant-General.....	SPENCER W. SNYDER
Assistant Quartermaster-General.....	EDWARD J. MITCHELL
Judge Advocate.....	LEWIS E. GRIFFITH
Department Inspector.....	J. B. LORD
Chief Mustering Officer.....	S. McAULIFFE
Senior Aide-de-Camp.....	JAMES CAMPBELL
Patriotic Instructor.....	OSCAR D. ROBINSON

Council of Administration.

JOSEPH MURPHY,	W. H. DANIELS,	W. S. NEWMAN,
R. H. FARGUE,	H. F. TARBOX	

The above will be changed at Encampment held in June.

Past National Officers.

*JOHN C. ROBINSON.....	Commander-in-Chief, 1877-78
*JOHN PALMER.....	Commander-in-Chief, 1891-92
*ALBERT D. SHAW.....	Commander-in-Chief, 1899-1900
JAMES TANNER.....	Commander-in-Chief, 1906
*EDWARD JARDINE.....	Senior Vice-Commander-in-Chief, 1874
*JOHN PALMER.....	Senior Vice-Commander-in-Chief, 1879
ALFRED LYTH.....	Senior Vice-Commander-in-Chief, 1898
*JOSEPH HADFIELD.....	Junior Vice-Commander-in-Chief, 1888

Past Department Commanders.

*James B. McKaen.....Saratoga Springs	N. Martin Curtis.....Ogdensburg
Daniel E. Sickles.....New York City	Harrison Clark.....Albany
Edward B. Lansing.....Auburn	*Floyd Clarkson.....New York City
*John C. Robinson.....Binghamton	Charles H. Freeman.....Corning
*Henry A. Barnum.....New York City	*Theodore L. Poole.....Syracuse
*Stephen P. Corliass.....Albany	*Joseph P. Cleary.....Rochester
*John Palmer.....Albany	John C. Schotts.....Yonkers
James Tanner.....Washington, D. C.	Edward J. Atkinson.....New York City
*William F. Rogers.....Buffalo	James S. Graham.....Rochester
*James McQuade.....Utica	*Albert D. Shaw.....Watertown
*L. Coe Young.....Binghamton	*Anson S. Wood.....Wolcott
*Abram Merrett.....Nyack	Joseph W. Kay.....Brooklyn
James S. Frazer.....New York City	N. P. Pond.....Rochester
John A. Reynolds.....Rochester	C. A. Orr.....Buffalo
*Ira M. Hedges.....Haverstraw	Allan C. Bakewell.....New York City
†H. Clay Hall.....Little Falls	John S. Koster.....Port Leyden
*Joseph I. Sayles.....Rome	Henry N. Burhans.....Syracuse
*George H. Treadwell.....Albany	

*Deceased.

†Dismissed by sentence of a National Court Martial, 1886, thereby losing his membership in National and Department Encampments as a Past Department Commander. On recommendation of his Post, and Department Commander Anson S. Wood, he was restored to membership in the Grand Army of the Republic in 1898 by order of General J. F. S. Gobin, Commander-in-Chief.

POSTS.

NAME.	COMMANDER.	ADDRESS.	LOCATION.	COUNTY.	TIME OF MEETING.	PLACE OF MEETING.
1 O'Rorke	Robert Morgan	53 Jefferson ave.	Rochester	Monroe	Alternate Thurs.	City building.
2 Chapin	Charles A. Orr	416 Federal bldg.	Buffalo	Erie	1st and 3d Fri.	G. A. R. Hall.
3 Thaford	Benjamin T. Conlin	Supt. Sta. V. P. O.	Brooklyn	Kings	1st and 3d Thurs.	336 9th st.
4 Geo. H. Thomas	John A. Reynolds	Rochester	Rochester	Monroe	1st Mon.	4 Fitzhugh st.
5 Leo Benedict	W. H. Loneragan	128 Eagle street	Albany	Albany	Thurs.	31 Green st.
6 Baldwin	Reuben Rockwell	Elmira	Elmira	Chemung	1st and 3d Mon.	Armory
7 Gordon Granger	M. D. Burke	Clifton Springs	Clifton Springs	Ontario	1st and 2d Sat.	G. A. R. Hall
8 Phil. Kearny	George H. Stevens	928 Broadway	New York	New York	3d Wed.	302 W. 19th st.
9 Bidwell-Wilkinson	Elias W. Beach	333 Washington st.	Buffalo	Erie	1st and 3d Thurs.	G. A. R. Hall
0 Rankin	James H. Whillock	413 Pacific ave.	Brooklyn	Kings	1st and 3d Friday	407 Bridge st.
1 Barbara Fritchie	John R. Annattoyne	413 Adelphi st.	Brooklyn	Kings	2d and 4th Wed.	116 Calver st.
2 Vanderburg	John Sornberger	Afton	Afton	Chenango	1st and 3d Sat.	G. A. R. Hall
3 Abraham Lincoln	Jas. Boylan	211 W. 25th st.	New York	New York	4th Tuesday	149 E. 16th st.
4 John F. McQuad	James E. DeForest	163 Elizabeth st.	Utica	Oneida	1st and 3d Fri.	Carmath Hall
5 Brown	Stephen G. Swift	Schenevus	Schenevus	Otsego	1st and 3d Thurs.	G. A. R. Hall
6 Frank Head	David Humphreys	303 Carlton ave.	Brooklyn	Kings	2d and 4th Thurs.	258 Court st.
7 Canby	Edward M. Bailey	Gloversville	Gloversville	Fulton	Fri.	G. A. R. Hall
8 John McConehe	John McGoldrick	19 Harrison Place	Troy	Rensselaer	1st and 3d Thurs.	Court House
9 Galpin	J. G. Burney	Little Falls	Little Falls	Herkimer	1st Fri.	G. A. R. Hall
0 Hamilton	Jno. W. McCormac	P. O. Box 445	Poughkeepsie	Dutchess	Wed.	G. A. R. Hall
1 Harry Lee	Robert Welch	203 Tompkins ave.	Brooklyn	Kings	2d and 4th Thurs.	1028-1030 Gates ave
2 Montour	Martin L. Frost	Montour Falls	Montour Falls	Schuyler	2d and 4th Tues.	Tracy Block
3 Rowell	George H. Taft	Waterville	Waterville	Oneida	1st Tues.	Arcanum Hall
4 Sumner	Richard Esmond	1947. Broadway, Room 313	New York	New York	2d and 4th Mon.	341 W. 47th st.
5 Johnson	Geo. B. Wright	Worcester	Worcester	Otsego	2d and 4th Tues.	Knapp's Hall
6 L. C. Turner	Hugh Lynch	Cooperstown	Cooperstown	Otsego	1st and 3d Sat.	G. A. R. Hall
7 Hollister	John B. Van Wie	Coxsackie	Coxsackie	Greene	1st and 3d Fri.	G. A. R. Hall
8 Gen. H. W. Slocum	Samuel E. Burr	514 Bedford ave.	Brooklyn	Kings	2d and 4th Sat.	156 Broadway
9 James C. Rice	F. E. Goldthwait	351 W. 24th st.	New York	Kings	2d and 4th Thurs.	128 W. 17th st.
0 Watrous	N. Mattice	Binghamton	Binghamton	Broome	Fri.	77 State st.
1 Ross	Geo. B. Fairhead	New York Mills	New York Mills	Oneida	2d and 4th Fri.	G. A. R. Hall
2 Koltas	Christian Bange	633 E. 13th st.	New York	New York	1st and 3d Fri.	85th st. & Lexington ave.

O.	NAME.	COMMANDER.	ADDRESS.	LOCATION.	COUNTY.	TIME OF MEETING	PLACE OF MEETING.
13	E. S. Young	Nichols J. DeGraff	17 Grove st.	Amsterdam	Montgomery	Fri.	G. A. R. Hall
14	Geo. L. Willard	Daniel J. Carey	185 Congress st.	Troy	Rensselaer	2d and 4th Tues.	Court House
15	Mansfield	John B. Little	91 Broadway	Brooklyn	Kings	1st, 3d & 5th Thurs.	Masonic Temple
16	W. H. Reynolds	Chas. H. Ballou	54 Howard st.	Utica	Oneida	1st and 3d Sat.	80 Seneca st.
17	Chas. H. Stewart	Fredric Cossum	22 Market st.	Auburn	Cayuga	Wed.	State Armory
18	Geo. G. Meade	William E. White	78 Barrow st.	New York	New York	1st and 3d Mon.	515 Hudson st., cor W. 10th st.
19	Thomas	C. B. Hodge	Prospect	Prospect	Oneida	1st and 2d Wed.	G. A. R. Hall
20	Admiral Mead	John H. Cochrane	W. R. C. Home	Oxford	Chenango	1st and 3d Mon.	W. R. C. Home
21	Sydney	Wm. H. Harrington	Ithaca	Ithaca	Tompkins	Tues.	Military Hall
22	Wm. D. Kennedy	Francis McGuire	137 E. 119th st.	New York	New York	1st and 3d Wed.	2158 3d ave.
23	N. G. Lyons	Isaac Shaw	18 Amity st.	Cohoes	Albany	2d and 4th Mon.	64 Remsen st.
24	Reno	Philip S. Biglin	Great Kills P. O.	New York	New York	2d and 4th Mon.	239 E. 57th st.
25	Seward Crocker	George T. Brown	62 Holley st.	Auburn	Cayuga	Tues.	State Armory
26	Wm. H. McKittick	Andrew J. Freeman	Ballston Spa	Ballston Spa	Saratoga	K. O. P. Hall	K. O. P. Hall
27	Skillen	Geo. H. Mason	308 W. Embargo st.	Rome	Oneida	Thurs.	G. A. R. Hall
28	Howland	Marcus Lowinsbury	Fishkill-on-Hudson	Matteawan	Dutchess	Tues.	G. A. R. Hall
29	Reese	William Taylor	Canastota	Canastota	Madison	2 and 4th Tues.	De Lano Hall
30	Geo. Huntsman	Edw. V. Brown	59 State st.	Flushing	Queens	4th Mon.	Armory of 17th Sep. Co., N. G.
31	Farrell	Chas. W. Scharff	Canajoharie	Canajoharie	Montgomery	2d and 4th Tues.	G. A. R. Hall
32	Ellis	Curtis Stanton	81 Caster st.	Newburgh	Orange	2d and 4th Wed.	G. A. R. Hall
33	Bacon	Elbridge S. Fokett	232 Genesee st.	Utica	Oneida	Thurs.	38-40 Charlotte st.
34	Allen	O. H. Sisson	Fabius	Fabius	Onondaga	Tues. afternoon	Stuart's Hall
35	Keesler	N. J. Fields	North Wolcott	Wolcott	Wayne	Wed.	Sabin's Hall
36	Starr	David French	Lee Center	Lee Center	Oneida	2d & 4th Sat. 2 P. M.	G. A. R. Hall
37	Van Derveer	John A. Hubbard	Fonda	Fonda	Montgomery	1st and 3d Fri.	G. A. R. Hall
38	S. W. Fullerton	Chas. H. Van Gorden	27 Linden st.	Newburgh	Orange	2d and 4th Tues.	117 Broadway
39	Babcock	C. A. Cameron	Owego	Owego	Tioga	2d and 4th Wed.	G. A. R. Hall
40	Kitching	Jere. S. Clark	1 Main st.	Yonkers	Westchester	1st and 3d Mon.	Main st.
41	G. Kidder	Andrew Turner	Morris	Morris	Otsego	1st and 3d Sat.	Town Hall
42	J. L. Riker	John Schmidling	Room 1, City Hall	New York	New York	70 E. 4th st.	206 Washington ave.
43	Geo. S. Dawson	Wm. R. Eastman	198 Lancaster st.	Albany	Albany	2d Thurs.	Carl's Opera House
44	Joseph Boney	Geo. B. Hill	Chittenango	Chittenango	Madison	2d Mon.	ArCADE Block
45	J. D. O'Brian	J. K. Prosser	63 E. 2d st.	Oswego	Oswego	Fri.	

NAME.	COMMANDER.	ADDRESS.	LOCATION.	COUNTY.	TIME OF MEETING.	PLACE OF MEETING.
1. Lilly	Adam Smith	High School	Syracuse	Onondaga	1st and 4th Fri.	Gilcher's Hall
2. Sheridan-Ellsworth	Thos. S. Callender	207 E. 57th st.	New York	New York	1st and 3d Thurs.	160 E. 86th st.
3. Henry Wilson	D. B. Hamond	Freeville	Statensville Springs	Tompkins	1st & 3d Sat. aft.	Card's Hall
4. Gen. Shields Corcoran	John O'Connell	442 E. 14th st.	New York	New York	2d and 4th Fri.	Gilcher's Hall
5. Klock	J. J. Witter	Fort Plain	Fort Plain	Montgomery	Mon.	G. A. R. Hall
6. Cook	E. B. Green	Dundee	Dundee	Yates	1st Wed.	G. A. R. Hall
7. Tyler J. Snyder	A. M. Schott	Waterloo	Waterloo	Seneca	Tues.	G. A. R. Hall
8. S. and P. Gilbert	C. F. Barry	Lyndonville	Lyndonville	Orleans	1st and 3d Sat.	G. A. R. Hall
9. Bingham	Edmund C. Clark	Naples	Naples	Ontario	2d and 4th Sat.	Morgan's Hall
10. Farragut	A. H. Rogers	258 W. 54th st.	New York	New York	2d Mon.	Colonial Hall
11. Charles P. Sprout	Robert Madden	266 Lock st.	Lockport	Niagara	Every Thurs.	G. A. R. Hall
12. Gen. J. S. Wadsworth	William Lear	126 W. 90th st.	New York	New York	1st and 3d Sat.	315 W. 42d st.
13. Cross	John H. Winters	Seneca Falls	Seneca Falls	Seneca	Mon.	G. A. R. Hall
14. Cameron	Saml. K. Schwenk	143 Liberty st.	New York	New York	1st and 3d Thurs.	149 E. 16th st.
15. John A. Rawlin	Charles Just	52 W. 13th st.	New York	New York	4th Wed.	142 W. 125th st.
16. Custer	C. H. Bronson	131 E. Washington ave.	New York	New York		
17. Waldron	Isaac E. Pye	Nyack	Bath	Steuben	2d and 4th Fri.	G. A. R. Hall
18. E. B. Smith	C. A. Sumner	23 Pleasant st.	Nyack	Rockland	1st Mon.	G. A. R. Hall
19. Myron Adams	Henry S. Redman	Court House	Norwich	Chenango	Tues.	G. A. R. Hall
20. H. W. Wessells	Jacob Both	Portville	Rochester	Monroe	1st Wed.	G. A. R. Hall
21. A. K. Thorp	Elmer Hitchings	Black Creek, R. F. D., No. 2	Portville	Cattaraugus	1st and 3d Wed.	W. C. T. U. Hall
22. Crary	Geo. H. Barker	Springville	Belfast	Allegany	1st and 3d Sat. aft.	G. A. R. Hall
23. Ketchum	Joseph Walsh	Wappingers Falls	Springville	Erie	1st and 3d Mon.	Log Cabin
24. Jas. H. Perry	Theodore A. Joseph	396 Gates ave.	Wappingers Falls	Dutchess	1st and 3d Sat.	Jr. American Hall
25. Horsfall	William Shepherd	Box 487	Brooklyn	Kings	1st, 3d & 5th Tues.	Fraternity Hall
26. S. B. Hood	H. Z. Harding	Medina	Schenectady	Schenectady	Thurs.	State Armory
27. Luther M. Wheeler	Edwin B. Deuel	Saratoga Springs	Medina	Orleans	1st and 3d Thurs.	G. A. R. Hall
28. J. B. Sloan	Charles C. Hicks	Penn Yan	Saratoga Springs	Saratoga	1st and 3d Thurs.	G. A. R. Hall
29. Swift	Phillip H. Russell	Geneva	Penn Yan	Yates	1st and 3d Wed.	Arcade Hall
30. Abraham Vosburgh	George L. Hughson	Peekskill	Geneva	Ontario	1st and 3d Wed.	Armory
31. Oliver Tilden	Morris Deutsch	1230 So. Boulevard	Peekskill	Westchester	1st and 3d Fri.	G. A. R. Hall
			New York	New York	4th Tues.	3d ave., near 186th st.
32. Wheelock	George P. Noble	Boonville	Boonville	Oneida	1st and 3d Wed.	G. A. R. Hall

O.	NAME.	COMMANDER.	ADDRESS.	LOCATION.	COUNTY.	TIME OF MEETING.	PLACE OF MEETING
98	Grover	W. R. Weld	Cortland	Cortland	Cortland	1st and 3d Wed.	G. A. R. Hall
99	W. B. Vosburgh	F. E. Brown	Newark	Newark	Wayne	1st and 3d Tues.	G. A. R. Hall
00	E. A. Kimball	P. J. L. Searing	113 Fulton st.	New York	New York	3d Sat.	125-131 W. 14th st.
01	John P. Robinson	Walter B. Tallman	Perry	Perry	Wyoming	1st and 3d Mon.	G. A. R. Hall
02	W. H. Stevenson	M. W. Dean	Moriah Center	Moriah Center	Essex	2d and 4th Sat.	G. A. R. Hall
03	George Washington	J. Langdon Ward	120 Broadway	New York	New York	Last Thurs.	Hoffman House
04	Armstrong	Geo. Tremper	Rhinebeck	Rhinebeck	Dutchess	2d and 4th Tues.	G. A. R. Hall
05	Wm. Babcock	Henry Herrington	Homer	Homer	Cortland	2d and 4th Wed.	G. A. R. Hall
06	Peisner	John Ropelt	68 Galusha st.	Rochester	Monroe	2d Wed.	Augustin Hall
07	Herendeen	James Carson	Shortsville	Shortsville	Ontario	1st and 3d Sat.	The Village Hall
08	J. J. Bartlett	Lewis H. Brown	Binghamton	Binghamton	Broome	Wed.	G. A. R. Hall
09	Dwight	E. H. Sentell	Sodus Point	Sodus	Wayne	1st Sat.	Odd Fellows' Hall
10	Chrismore	Wm. H. Doyle	Ilion	Ilion	Herkimer	2d and 4th Sat.	G. A. R. Hall
11	J. B. Butler	Hartwell Douglass	Pulaski	Pulaski	Oswego	Last Sat.	Alert Hose House
12	Robert G. Shaw	Edward Openshaw	115 York ave.	New Brighton	Richmond	1st and 3d Thurs.	Florence Building
13	Dahlgren Powell	John Freary	1933 3d ave.	New York	New York	Thurs.	G. A. R. Hall
14	Curtis Bates	Fred. J. Trumble	Albion	Albion	Orleans	2d Sat. afternoon	Francisco Hotel
15	Hayes	Dewit T. Mothersill	Middlesex	Middlesex	Yates	2d and 4th Thurs.	Sheldon Block
16	Frank Norton	George W. Elliott	Schuylerville	Schuylerville	Saratoga	1st Wed.	G. A. R. Hall
17	Eugene Bronk	Wm. J. Bailey	Coeymans	Coeymans	Albany	3d Sat.	G. A. R. Hall
18	Philmont	Edward Christian	Philmont	Philmont	Columbia	Tues.	G. A. R. Hall
19	Elvin D. Farmer	James C. Richmond	33 Grove st.	Oneonta	Otsego	2d Sat.	Comrades Homes
20	McKeel	Jas. A. Tuttle	Katonah	Katonah	Westchester	Mon.	County Building
21	L. O. Morris	Augustus Pruyn	230 State st.	Albany	Albany	2d and 4th Fri.	243 Floyd st.
22	German Metternick	Charles Frederick	1367 De Kalb ave.	Brooklyn	Kings	2d & 4th Mon. 2 P.M.	G. A. R. Hall
23	Gregg	Hiram Cornish	Newfield R. F. D.	Newfield	Tompkins	1st Sat.	Odd Fellows' Hall
24	C. C. Siver	D. R. Harris	Unadilla	Unadilla	Otsego	1st Tues.	Odd Fellows' Hall
25	Alex. B. Mabon	W. Q. Huggins	Sanborn	Sanborn	Niagara	Thurs.	G. A. R. Hall
26	Peter A. Porter	R. A. Ferris	Wilson	Wilson	Niagara	2d and 4th Wed.	65 John st.
27	Pratt	James H. Everett	Kingston	Kingston	Ulster	1st and 3d Sat.	149 E. 16th st.
28	Joe Hooker	Daniel F. Crowley	310 E. 116th st.	New York	New York	2d and 4th Wed.	G. A. R. Hall
29	Winfield B. Scott	Geo. G. Schumyer	Tonawanda	Tonawanda	Erie	1st and 3d Mon.	G. A. R. Hall
30	Gibbs	Edward M. Jennings	Warsaw	Warsaw	Wyoming	1st and 3d Sat.	G. A. R. Hall
31							
32	John T. Hine	Alfred Phelps	Franklin	Franklin	Delaware	1st and 3d Sat.	G. A. R. Hall

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Dudley Donnelly	Geo. E. Curtis	Niagara Falls	Niagara Falls	Niagara	2d Tues.	42d Co. Armory
Walton Dwight	F. A. Johnson	Endicott	Lestershire	Broome	Fri.	Mechanic's Hall.
John A. Dix	George E. Dewey	138 Fulton st.	New York	New York	1st and 3d Thurs.	Tuxedo Hall
Vanderbilt	John A. Murray	549 E. 144th st.	New York (Bronx)	New York	3d Wed.	585 Courtland ave., New York (Bronx)
Otis G. Banks	W. H. Spencer	Harpersville	Greene	Chenango	1st Sat.	Odd Fellows' Hall
R. D. Lathrop	James W. Moon	3 E. Court st.	Hudson	Columbia	1st and 3d Thurs.	G. A. R. Hall
James Randolph	A. H. King	Steamburg	Steamburg	Cattaraugus	1st and 3d Sat.	G. A. R. Hall
Lafayette	Fred. C. Barger	82 Warren st.	New York	New York	1st and 3d Fri.	Masonic Temple
Wm. B. Tibbits	Charles A. Bundy	12 First st.	Troy	Rensselaer	1st and 3d Mon.	Tibbit's Veteran Hall
England	H. E. Stoutenburgh	Delhi	Delhi	Delaware	1st Mon.	G. A. R. Hall
Judson Kilpatrick	A. F. Claussen	Pelham road, Westchester	New York	New York	4th Mon.	110 E. 125th st.
Morell	Hiram Osborn	Ossining	Ossining	Westchester	Mon.	G. A. R. Hall
Joe Gould	T. C. Taggart	Phoenix	Phoenix	Oswego	2d and 4th Mon.	Fuller's Block
Col. Henry A. Weeks	Michael Donohue	439 W. 34th st.	New York	New York	1st Thurs.	380 W. 35th st.
E. M. Wing	Geo. F. Bryant	Glens Falls	Glens Falls	Warren	2d and 4th Mon.	Hall Crandall Block
Devin	W. R. Kerr	101 Waverly ave.	Brooklyn	Kings	1st and 3d Fri.	Johnson Building
Henry Williams	Geo. E. Hurlburt	Nineveh	Nineveh	Broome	Sat.	Home of Comrades
Root	F. A. M. Ball	225 Corning ave.	Syracuse	Onondaga	2d and 4th Thurs.	G. A. R. Hall
L. M. Hamilton	William Busch	555 Glenmore ave.	Brooklyn	Kings	1st and 3d Sat.	Penn-Fulton Hall
A. D. Adams	Lyman L. Dickerson	Lyons	Lyons	Wayne	1st and 3d Thurs.	Grange Hall
Hiram Clark	C. H. Bouton	Marathon	Marathon	Cortland	Alternate Sat.	Mansard Hall
George C. Hoyell	William V. Walker	Moravia	Moravia	Cayuga	Sat.	G. A. R. Hall
E. H. Barns	Wm. H. Hazleton	Gouverneur	Gouverneur	St. Lawrence	2d and 4th Tues.	Foresters' Hall
Geo. A. Turnbull	M. J. Tompkins	Esperance	Esperance	Schoharie	1st Sat.	Union Hall
D. Ireland	James E. Cole	Brookton	Brookton	Tompkins	2d and 4th Sat.	G. A. R. Hall
Hudson	E. R. Robinson	Fair Haven	Fair Haven	Cayuga	Sat.	G. A. R. Hall
Knowlton	A. M. Smith	Cazenovia	Cazenovia	Madison	1st and 3d Mon.	G. A. R. Hall
N. S. Ford	John D. Frederick	Flatlands ave., near E. 92d st.	Canarsie (Brooklyn)	Kings	Alternate Sat.	Abraham's Hall
Albert McMurray	D. F. McOmber	Canandaigua	Canandaigua	Ontario	1st and 3d Tues.	G. A. R. Hall
Linhart	Hubbard A. Yettman	Tottenville	Tottenville	Richmond	1st and 3d Tues.	Odd Fellows' Hall
Benj. H. Porter	J. A. Barber	Skaneateles	Skaneateles	Onondaga	2d Fri.	Harwood's store

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L. Edgar Fitch	David H. Coon	First st.	Elmira	Chemung	1st and 3d Mon.	Fitch Post Room
J. E. Whiteside	Thos. S. Barker	Weedsport	Weedsport	Cayuga	1st and 3d Sat.	G. A. R. Hall
Priest	H. H. Bailey	Norwood	Norwood	St. Lawrence	2d & 4th Sat. aft.	G. A. R. Hall
Lefevre	Jona. D. Platts	Highland	Highland	Ulster	2d and 4th Wed.	G. A. R. Hall
W. T. Rice	H. C. Maine	Heron	Heron	St. Lawrence	2d and 4th Sat.	G. A. R. Hall
Farnsworth	Chas. W. Van Court	110 Valentine st.	Mt. Vernon	Westchester	1st and 3d Fri.	G. A. R. Hall
T. M. Burt	Henry Sheller	Valatie	Valatie	Columbia	1st and 3d Wed.	G. A. R. Hall
R. S. Park	George L. Hoyt	Lafayette	Cardiff	Onondaga	Last Sat.	Residence of Adj't.
Snedaker	C. S. Groesbeck	Clyde	Clyde	Wayne	Fri.	G. A. R. Hall
John R. Stewart	M. B. Hope	Oneida	Oneida	Madison	2d and 4th Fri.	G. A. R. Hall
Lockwood	R. R. Stilwell	Port Byron	Port Byron	Cayuga	Mon.	Odd Fellows' Hall
F. M. Cummins	Ira Fairchilds	Goshen	Goshen	Orange	2d and 4th Mon.	Corporation Hall
Bradford	C. P. Tryon	Sidney	Sidney	Delaware	1st and 3d Sat.	Odd Fellows' Hall
Hinman	L. E. Chubbuck	Middleport	Middleport	Niagara	2d and 4th Thurs.	Good Templars' Hall
Edward Pye	William Benson	Haverstraw	Haverstraw	Rockland	1st Mon.	G. A. R. Hall
Geo. Stevenson	John Grobe	1157 William st.	Buffalo	Erie	2d and 4th Tues.	G. A. R. Hall
Alexander Hamilton	George H. Taylor	125 W. 121st st.	New York	New York	1st and 3d Thurs.	12th Ward B'k Bldg.
Stephen T. Bartle	T. O. Regan	Cuba	Cuba	Allegany	2d and 4th Sat.	G. A. R. Hall
Eggleston	O. T. Bundy	Deposit	Deposit	Broome	1st and 3d Tues.	Bank Building
Charles H. Burtis	David W. Lee	25 Halsted st. East	Brooklyn	Kings	1st and 3d Mon.	1028-30 Gates ave.
A. D. Shaw	Orrin Hoxie	Alton	Alton	Wayne	1st and 3d Tues.	Rowland Hall
S. F. Dupont	Wm. C. Thompson	1201 Gates ave.	Brooklyn	Kings	2d and 4th Wed.	211 Montrose ave.
Julius Broadbent	Charles Foster	Dexter	Dexter	Jefferson	1st Sat.	Bloom's Hall
C. A. Shephard	A. E. Hugbston	Otego	Otego	Otego	1st Sat.	G. A. R. Hall
J. L. & C. S. Thompson	H. S. Lyon	Dalton	Dalton	Livingston	2d and 4th Sat.	G. A. R. Hall
Ward	O. B. Seaman	Ellenville	Ellenville	Ulster	1st and 3d Sat.	Warren Hall
Steinwehr	Adolph Lowenthal	230 E. 78th st.	New York	New York	1st and 3d Wed.	Cafe Logeling
Jas. A. Garfield	H. P. Knowles	Palmyra	Palmyra	Wayne	2d Tues.	G. A. R. Hall
Abram Allen	Levi Barnes	Canisteo	Canisteo	Steuben	2d and 4th Fri.	G. A. R. Hall
Revere	James Johnson	Belmont	Belmont	Allegany	1st and 3d Sat.	Gardnerhoff Hall
Edward E. Breed	A. B. Bennett	Oxford	Oxford	Chenango	2d Fri.	A. O. U. W. Hall
Winchester	David P. Cameron	217 Van Buren st.	Brooklyn	Kings	1st and 3d Tues.	Carson's Hall, Bedford ave.

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M. H. Barkly	Newton Ketchum	Altamont	Altamont	Albany	1st Sat.	Biddlecom's Hall
Eldredge	E. B. Black	Whitney's Point	Whitney's Point	Broome	1st and 3d Thurs.	G. A. R. Hall
Guilford D. Bailey	Henry E. Turner	Lowville	Lowville	Lewis	3d Sat.	Private houses
Geo. M. Smith	C. F. Lisk	Ledyard	Kings Ferry	Cayuga	1st and 3d Thurs.	G. A. R. Hall
James Ayer	Wm. Townsend	Angola	Angola	Erie	1st Fri.	2282 Baily ave.
William McKinley	John Parsons	Kings Bridge	New York	New York	2d and 4th Wed.	Howard Hose
Private Dan'l S. Corbin	W. H. Flint	Rensselaer	Rensselaer	Rensselaer	1st and 3d Sat	G. A. R. Hall
Ratcliff	Wm. B. McMillen	Monticello	Monticello	Sullivan	2d and 4th Tues.	156 Broadway
Thomas S. Dakin	Thomas F. Travers	30 Central pl.	Brooklyn	Kings	1st and 3d Mon.	118 Myrtle ave.
William Lloyd Garrison	Pierre Zeno	170 Willoughby st.	Brooklyn	Kings	1st and 3d Wed.	G. A. R. Hall
McMahon	Robert McAnally	527 N. Division st.	Buffalo	Erie	Mon.	Armory
Ben Marvin	M. W. Marvin	Walton	Walton	Delaware	1st and 3d Wed.	Lincoln Club Room
Richard J. Clark	R. H. Parks	Patchogue	Patchogue	Suffolk	1st and 3d Thurs.	G. A. R. Hall
E. A. Slocum	J. J. Fassett	Fairport	Fairport	Monroe	Last Fri., p. m.	G. A. R. Hall
Eltinge	Wm. H. D. Blake	New Paltz	New Paltz	Ulster	2d and 4th Wed.	G. A. R. Hall
J. W. Pangborn	Orville Moore	Malone	Malone	Franklin	2d Tues.	G. A. R. Hall
Marsh	James S. Fox	Potsdam	Potsdam	St. Lawrence	1st and 3d Tues.	Russell's Block
Tappen	Geo. E. Carnwright	Route No. 4	Saugerties	Ulster	2d Tues.	I. O. O. F. Hall
Seth M. Hedges	Samuel Allen	Dansville	Dansville	Livingston	2d & 4th Sat., 1 p. m.	G. A. R. Hall
A. J. Barney	Joseph K. Crandall	Sandy Creek	Sandy Creek	Oswego	2d Sat.	Odd Fellows' Hall
Torbert	William Howard	Arcade	Arcade	Wyoming	2d and 4th Mon.	G. A. R. Hall
Rowley P. Taylor	A. G. Rykert	Attica	Attica	Wyoming	2d and 4th Mon.	G. A. R. Hall
S. C. Noyes	Geo. H. Davis	North Collins	North Collins	Erie	2d and 4th Mon. aft	Log Cabin
Fletcher	Wm. R. Seacord	Andes	Andes	Delaware	1st Sat.	Firemen's Hall
G. D. Bayard	L. Y. Miller	Olean	Olean	Cattaraugus	Wed.	Armory
W. A. Munson	C. C. Cady	Gilbertsville	Gilbertsville	Otsego	2d and 4th Sat.	G. A. R. Hall
Emery Upton	E. M. Hunt	Roseboom	Cherry Valley	Otsego	2d and 4th Sat.	G. A. R. Hall
Sheridan-Crandall	Clinton E. Taylor	East Bloomfield	East Bloomfield	Ontario	Last Mon., 1.30 p. m.	G. A. R. Hall
Doty	W. S. Newman	Hornellsville	Hornellsville	Steuben	Alternate Fri.	G. A. R. Hall
N. B. Hincley	Wm. E. Bowen	Clinton	Clinton	Oneida	2d and 4th Mon.	Grange Hall
McCollum	Wm. F. Powell	Ransomville	Ransomville	Niagara	2d Saturday	W. F. Powell's house
Garfield	George Anstee	Pike	Pike	Wyoming	1st and 3d Sat.	G. A. R. Hall
G. and C. Robinson	B. A. Arnold	Genoa	Genoa	Cayuga	1st and 3d Sat.	G. A. R. Hall
Cushing	Joseph H. Bird	468 E. 8th ave., Kenanpton	Brooklyn	Kings	2d and 4th Mon.	Prospect Hall

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1 Henry Van Arname	H. E. Bulles	Ellicottville	Ellicottville	Cattaraugus	2d Tues. aft.	G. A. R. Hall
2 Brooklyn City	A. D. Schumann	91 Cooper st.	Brooklyn	Kings	1st and 3d Mon.	Troy ave. and Fulton st.
4 John A. Andrews	Edward A. Tolliver	215 E. 88th st.	New York	New York	2d Fri.	301 W. 29th st.
5 H. C. Outler	A. H. Smith	Avon	Avon	Livingston	2d Mon.	Carpenter's Hall
6 Cady	Crist Miller	Brookport	Brookport	Monroe	Thurs.	Public Building
7 Burnside	P. C. Soule	Rosburg	Wiseco	Allegany	2d Sat., 1 p. m.	G. A. R. Hall
8 Buford	D. B. Whipple	Johnsonburg	Johnsonburg	Wyoming	2d and 4th Sat.	G. A. R. Hall
9 Albert J. Meyer	John G. Baker	W. S. Hotel, Pearl st	Buffalo	Erie	1st and 3d Tues.	G. A. R. Hall
0 Rodney E. Harris	M. J. Wagner	Cohocton	Cohocton	Steuben	Alternate Fri.	G. A. R. Hall
1 Hatch	Alvia Jordan	Friendship	Friendship	Allegany	2d and 4th Sat.	G. A. R. Hall
2 Col. Sammons	David H. Cole	Gloversville	Gloversville	Fulton	Sat.	24 North Main st.
3 John M. Hutchinson	J. A. Dow	Pavilion	Pavilion	Genesee	1st Fri.	Graves' Hall
4 Elliott	W. S. Dickson	Arena	Arena	Delaware	4th Sat.	G. A. R. Hall
5 Williams	J. W. Belcher	Newark Valley	Newark Valley	Tioga	1st and 3d Sat.	Roy's Hall
6 Fuller	J. A. Seekins	Little Valley	Little Valley	Cattaraugus	1st and 3d Sat.	Gowar Hall
7 H. C. Gardner	E. J. Scott	Bolivar	Bolivar	Allegany	1st and 3d Sat.	W. C. T. U. Hall
8 Gen'l Barry	George Erhardt	S. and S. Home	Bath	Steuben	3d Mon.	G. A. R. Hall
9 Cassius Maxson	J. T. King	Richburg	Richburg	Allegany	1st and 3d Thurs.	G. A. R. Hall
0 James E. Mix	Reuben Gee	Ithaca	Ithaca	Tompkins	2d and 4th Tues.	Odd Fellows' Temple
1 D. H. Becker	Geo. W. Brinkerhoff	Victory	Victory	Wayne	2d and 4th Sat.	G. A. R. Hall
2 Alfred Weed Post	Wm. J. Bryan	Ticonderoga	Ticonderoga	Essex	1st Mon. aft.	Weed's Hall
3 S. S. Olney	A. D. Lord	Gansevoort	Gansevoort	Saratoga	1st and 3d Mon.	Ref'd Church Room
4 Wm. Richardson	Henry J. Messing	425 Norwood ave	Buffalo	Erie	2d and 4th Fri.	G. A. R. Hall
5 Thaddeus Stevens	Samuel W. Smith	113 6th ave.	New York	New York	1st Thurs.	99 Sixth ave.
6 Waldon	Chas. H. Scramblin	Richfield Springs	Richfield Springs	Oswego	2d and 4th Sat.	A. O. U. W. Hall
7 Martin McMartin	John A. Karg	Johnstown	Johnstown	Fulton	1st and 3d Wed.	G. A. R. Hall
8 Sidney C. Hays	Wm. S. Thompson	Barker	Barker	Niagara	4th Sat., 2 p. m.	Masonic Hall
9 W. S. Hancock	Edwin Courson	6 E. 116th st.	New York	New York	1st and 3d Fri.	110 E. 125th st.
0 L. Dwight Allen	John S. Love	Groton	Groton	Tompkins	1st and 3d Sat.	Odd Fellows' Hall
1 Hakes	I. M. Miles	Scio	Scio	Allegany	1st and 3d Sat.	Smith's Hall
2 Sidney C. Gaylord	S. J. Griffith	Oseola	Redfield	Oswego	1st and 3d Sat.	Wilson's Hall
3 A. N. Baldwin	Wiley Howard	Hensonville	Hunter	Greene	2d Sat. afternoon	Town Hall
4 Giles	Arnold Dulon	576 E. 142d st.	New York	New York	2d and 4th Thurs.	170 E. 80th st.
5 E. L. Bently	Henry Lyman	Altmar	Altmar	Oswego	2d and 4th Sat. aft	G. A. R. Hall

NO.	NAME	COMMANDER	ADDRESS.	LOCATION	COUNTY.	TIME OF MEETING.	PLACE OF MEETING.
866	Gen. Lyon	W. H. Rogers	Middletown	Granville	Orange	2d and 4th Fri.	Granger's Hall
867	Honace E. Howard	Stacy K. Potter	Granville	Granville	Orange	1st and 3d Tues.	G. A. R. Hall
868	Gen. D. B. Sacket	Chas. I. Gardner	Cape Vincent	Cape Vincent	Jefferson	1st and 3d Tues.	Rosebooms Hall
869	G. B. Steele	George W. Earle	Carthage	Carthage	Jefferson	1st and 3d Mon.	G. A. R. Hall
870	John H. Martindale	O. T. Hubbell	Adams Basin	Spencerport	Monroe	1st Fri. afternoon	Masonic Hall
871	D. F. Schenck	Wm. D. Ferguson	Fulton	Fulton	Oswego	Tues.	G. A. R. Hall
872	Arthur L. Brooks	A. W. Stevens	Hamilton	Hamilton	Madison	1st & 3d Thurs. aft.	G. A. R. Hall
873	Piper	Frank Hadcock	Henderson	Henderson	Jefferson	1st and 3d Sat.	G. A. R. Hall
874	Edwin Rose	G. C. Morris	Seg Harbor	Seg Harbor	Suffolk	2d and 4th Tues.	W. L. Polley's H'se
875	Thomas Farr	Richard Morley	Webster	Webster	Monroe	2d Sat.	G. A. R. Hall
876	Wm. W. Hoyt	Jerome S. Billington	Corning	Corning	Steuben	1st and 3d Sat.	Canisteo Hall
877	Rathbun	P. D. Haracion	Corning	Corning	Steuben	2d and 4th Sat.	Hammond's Hall
878	Moses Summers	A. R. Faling	Baldwinsville	Baldwinsville	Onondaga	1st and 3d Fri.	G. A. R. Hall
879	Carroll	Matt Van Aken	Port Jervis	Port Jervis	Orange	2d and 4th Mon.	Labor Lyceum
880	Fleming	S. E. Hunter	Downsville	Downsville	Delaware	1st and 3d Sat.	G. A. R. Hall
881	Lewis S. Payne	Edward Bell	No. Tonawanda	No. Tonawanda	Niagara	Alternate Thurs.	G. A. R. Hall
882	H. C. Sturdevant	N. Cheney	Falconer	Kennedy	Chautauqua	1st Mon.	Court House
883	Benjamin Ringold	Chas. Puemacher	482 7th ave.	Long Island City	Queens	1st and 3d Wed.	G. A. R. Hall
884	W. D. Brennan	Ralph Erwin	Malone	Malone	Franklin	1st and 3d Fri.	G. A. R. Hall
885	James M. Brown	Samuel Millard	Jamestown	Jamestown	Chautauqua	Every Thurs. eve.	9 E. 3d st.
886	G. K. Warren	Robert Forfar	76 So. Elliott Place	Brooklyn	Kings	1st and 3d Wed.	1810 Fulton st.
887	Bela Rich	L. Bartholomew	Cattaraugus	Cattaraugus	Cattaraugus	1st Sat. afternoon	G. A. R. Hall
888	E. I. Tyler	John B. Bacon	Pittsford	Pittsford	Monroe	1st Sat.	Bacon's Hall
889	McKean	Addison A. Gardiner	Broadalbin	Broadalbin	Fulton	1st Mon.	G. A. R. Hall
890	Phillip Rice	H. H. Carpenter	Corinth	Corinth	Saratoga	1st and 3d Sat.	G. A. R. Hall
891	Sweeting	F. R. Pierson	South Butler	South Butler	Wayne	Tues.	I. O. O. F. Hall
892	James A. Hall	Alva Matthews	Vineyard	Bretton	Chautauqua	1st Sat. afternoon	G. A. R. Hall
893	W. T. Morgan	M. M. Dodge	Rockland	Rockland	Sullivan	2d and 4th Sat. aft	G. A. R. Hall
894	Walter A. Wood	P. Lahany	Hoosick Falls	Hoosick Falls	Rensselaer	1st and 3d Sat.	Dodge's Hall
895	Sheldon	A. B. Smith	Sherman	Sherman	Chautauqua	1st and 3d Wed.	G. A. R. Hall
896	Seth H. Weed	Byron Bennett	Canaseraga	Canaseraga	Allegany	2d and 4th Sat. aft	G. A. R. Hall
897	D. T. Wiggins	Seaver Z. Fisher	Randolph	Randolph	Cattaraugus	2d and 4th Wed.	Windeor Hall
898	David Jones	M. W. Kidder	Kendall	Kendall	Orleans	1st Sat.	Seager's Hall
899	Upton	Edward Powers	Batavia	Batavia	Genesee	2d and 4th Sat.	Kidder's Hall
900	H. H. Vebber	W. J. Horton	Black River	Black River	Jefferson	2d and 4th Mon.	Ellicott Hall
						1st and 3d Wed.	Odd Fellows Hall

NAME.	COMMANDER.	ADDRESS.	LOCATION.	COUNTY.	TIME OF MEETING.	PLACE OF MEETING.
1 Capt. W. A. Jackson	Chas. W. Rice	Middletown	Middletown	Orange	1st and 3d Tues.	Odd Fellows Hall
2 Crosby	Frank Wells	Brewster	Brewster	Putnam	Irregular	Comrades' Homes
3 Chas. R. Lilly	T. C. Townsend	Canandaigua	Cheshire	Ontario	1st Sat. afternoon	G. A. R. Hall
4 Bullock	Chas. Bullock	Cherry Creek	Cherry Creek	Chautauqua	2d and 4th Sat.	G. A. R. Hall
5 G. W. Flower	W. L. Devendorf	Theresa	Theresa	Jefferson	1st and 3d Mon.	G. A. R. Hall
6 Edwin D. Morgan	John K. Darragh	231 W. 133d st.	New York city	New York	2d and 4th Wed.	9th Regt. Armory
7 E. F. Carpenter	Byron A. Sperry	Mayville	Mayville	Chautauqua	1st Sat.	Sixbey Bros. Ins. Of.
8 John McKie	Willard Larvton	Cambridge	Cambridge	Washington	1st and 3d Sat.	G. A. R. Hall
9 Capt. Fancher	Orin Bump	Leon	Leon	Cattaraugus	2d & 4th Sat. aft.	G. A. R. Hall
10 Garrett	Stephen J. Gregory	Liberty	Liberty	Sullivan	2d Sat.	G. A. R. Hall
11 Jones Kane	Francis J. McQuirk	Watervliet	Watervliet	Albany	Wednesday	G. A. R. Hall
12 Peter Cooper	M. H. Whalen	279 E. Broadway	New York	New York	2d and 4th Thurs.	Florence Bldg.
13 Theodore Schlick	G. W. Marts	Wayland	Wayland	Steuben	1st Fri. afternoon	G. A. R. Hall
14 B. C. Butler	W. J. Chilson	Luzerne	Luzerne	Warren	2d Sat., 12 A.M.	G. A. R. Hall
15 J. C. Drake	W. E. Strong	Sinclairville	Sinclairville	Chautauqua	1st Fri.	Grange Hall
16 John Hance	J. L. Smith	Williamson	Williamson	Wayne	2d and 4th Fri. aft.	G. A. R. Hall
17 Matherson	Charles Palmateer	Northville	Northville	Fulton	Sat.	G. A. R. Hall
18 Joe Spratt	Louis C. Greenleaf	Watertown	Watertown	Jefferson	1st and 3d Wed.	Herald Bldg.
19 Wm. Sackett	A. F. Greenslate	Westfield	Westfield	Chautauqua	1st Fri.	I. O. O. F. Hall
20 Charles T. Harris	Joseph M. Foster	Ovid	Ovid	Seneca	2d and 4th Wed.	County Bldg.
21 Albert M. Cook	Henry Gray	Greenwich	Greenwich	Washington	1st and 3d Fri.	G. A. R. Hall
22 U. S. Grant	Wm. H. Bates, M.D.	137 Clinton st.	Brooklyn	Kings	2d and 4th Wed.	Johnston's Bldg.
23 Phillips	M. F. Butlon	Machias	Machias	Cattaraugus	3d Sat.	G. A. R. Hall
24 Adam Goss	Thos. H. Stritch	97 Park ave., B'klyn	New York	New York	1st and 3d Tues.	New York City
25 David B. Sleight	Cornelius R. Rust	5 Virginia ave.	Poughkeepsie	Dutchess	Tues	333 Main st.
26 Wesley Rolfe	R. J. Fosburg	Shongo	Stanards	Allegany	2d & 4th Sat. 2 P.M.	Trask's Hall
27 Sawyer	Geo. B. Harrick	Whitesville	Whitesville	Allegany	Alternate Sats.	Chapin Hall
28 Low Washburn	H. B. Coleman	Fort Ann	Fort Ann	Washington	1st Sat.	G. A. R. Hall

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36	Dexter	Wm. Plants	Wellsville	Wellsville	Allegany	2d and 4th Mon.	G. A. R. Hall
37							
38	John A. Griswold	Harvey S. McLeod	81 Grand st.	Troy	Rensselaer	1st and 3d Wed.	County Court House
39							
40	E. A. Knapp	Oliver Nichols	So. Onondaga	So. Onondaga	Onondaga	Last Sat.	Hubberd's Hall
41	Phenias Catlin	John L. Halpin	Odessa	Odessa	Schuyler	1st and 3d Sat.	G. A. R. Hall
42	Belden	George M. Geer	Richford	Richford	Tioga	Call of Commander	Homes of Comrades
43	Hall	D. S. Smith	Hunts	Hunts	Livingston	1st and 3d Sat.	Memorial Hall
44							
45							
46	Hartwell Martyn	Thomas Reynolds	Canton	Canton	St. Lawrence	1st Sat.	Grange Hall
47	J. E. Purvis	James W. Davis	Livingston Manor	Livingston Manor	Sullivan	1st & 3d Sat. 2 P.M.	G. A. R. Hall
48							
49	C. L. Skeels	Geo. Humphrey	Lockport R. F. D. 8	Hartland	Niagara	1st and 3d Mon.	Brown's Hall
50	Whittlescy	J. H. Swift	Union	Union	Broome	1st and 3d Sat.	Spencer's Hall
51	S. A. Baley	S. B. Tuttle	Troupsburg	Troupsburg	Steuben	2d & 4th Sat. 2 P.M.	G. A. R. Hall
52	J. S. Stone	E. J. Pickett	Saranac	Saranac	Clinton	2d and 4th Sat.	K. of L. Hall
53	Edward Hunting	S. A. Hawkins	Greenport	Greenport	Suffolk	1st and 3d Thurs.	G. A. R. Hall
54	Ransom	Wm. H. Daniels	Ogdensburg	Ogdensburg	St. Lawrence	Tues.	G. A. R. Hall
55	Erastus T. Taft	N. G. Cooper	189 Montague st.	Brooklyn	Kings	1st and 3d Sat.	153 Pierrepont st.
56	Alonzo Smith	C. W. Lambert	St. Johnsville	St. Johnsville	Montgomery	2d and 4th Mon.	Shell Hall
57	Rust.	H. M. Berry	Great Valley	Great Valley	Cattaraugus	2d Saturday	G. A. R. Hall
58		E. V. Baker	Marcellus	Marcellus	Onondaga	2d Wed.	G. A. R. Hall
59	Joseph Jones	Amos McIntyre	Gowanda	Gowanda	Cattaraugus	2d and 4th Sat.	I. O. O. F. Hall
60	Joseph K. Barns	Geo. E. Bullerfield	Sackets Harbor	Sackets Harbor	Jefferson	Alternate Fri.	G. A. R. Hall
61	Stebbins	D. O. Springer	Lockwood	Lockwood	Tioga	Last Sat.	Bingham's Hall
62	George Ricard	Patrick Hayes	66 S. 6th st.	Brooklyn	Kings	1st and 3d Fri.	Park Palace Hall
63	H. L. Aldrich	Calvin H. Totman	Brashton	Brashton	Franklin	2d & 4th Tues. 2 P.M.	G. A. R. Hall
64	S. G. Button	Dennis A. Dewey	West Winfield	West Winfield	Herkimer	2d Wed.	Wilcox Hall
65	Daniel L. Downing	James Harrold	Glen Cove	Glen Cove	Nassau	1st Tues.	At Robert Beldin's
66	Walter H. Benedict	J. H. Moffitt	Plattsburgh	Plattsburgh	Clinton	2d and 4th Tues.	St. John's Hall
67	Melzar Richards	E. L. Huntington	Mexico	Mexico	Oswego	1st and 3d Sat.	G. A. R. Hall
68	Alfred M. Wood	John Fleming	Jamaica	Jamaica	Queens	1st Thurs.	Fraternity Hall
69	Lewis Gates	Hinman Smith	Honeoye Falls	Honeoye Falls	Monroe	2d and 4th Sat.	Masonic Hall
70	Duncan Lendrum	Robt. Williams	N. Argyle	Argyle	Washington	1st Thurs.	G. A. R. Hall

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W. W. Angle	H. D. Baldwin	Addison	Addison	Steuben	2d and 4th Thurs.	S. of V. Hall
Oliver McAllister	J. S. Woodward	Spragueville	Antwerp	Jefferson	1st Fri. aft.	Rogers' Hall
Samuel Cannon	Edwin Sartwell	Mooers	Mooers Forks	Clinton	1st & 3d Sat. 2 P.M.	G. A. R. Hall
W. E. Hunt	James Hunt	De Ruyter	De Ruyter	Madison	2d Tues.	G. A. R. Hall
S. L. Judd	J. S. Chase	Windsor	Windsor	Broome	2d and 4th Sat.	Odd Fellows' Hall
Charles Lawrence	Clark S. Higgins	Port Chester	Port Chester	Westchester	2d and 4th Tues.	Centennial Hall
D'Avignon	J. S. Boynton	Ausable Forks	Jay	Essex	Semi annual	G. A. R. Hall
Sherwood	J. O. Spencer	Salamantica	Salamantica	Cattaraugus	2d and 4th Fri.	G. A. R. Hall
De Alton Cooper	Wm. E. Kimball	Adams	Adams	Jefferson	1st & 3d Thurs.	2 P. M. Hudson Hall
E. S. Gilbert	J. T. Bettis	Livonia	Livonia	Livingston	1st and 3d Sat.	Masonic Hall
Candor	Mathew Allen	Candor	Candor	Tioga	Alternate Sat.	Red Men's Hall
H. T. Blotchford	E. H. Sawyer	Port Leyden	Port Leyden	Lewis	1st and 3d Sat.	G. A. R. Hall
Nash	Edgar Jay	Hamlet	So. Dayton	Cattaraugus	1st and last Sat.	N. L. Rowe's Hall
S. M. Olmstead	Dervilt Carpenter	Orwell	Orwell	Oswego	1st Sat. 2 P.M.	Odd Fellows' Hall
Lewis E. Tew	Charles Clarke	New Berlin	New Berlin	Chenango	1st Tues.	G. A. R. Hall
Philander Cook	H. H. Cook	Panama	Panama	Chautauqua	2d & 4th Fri. 2 P.M.	Town Clerk's office
Howell	A. J. Langmade	Delevan	Delevan	Cattaraugus	1st and 3d Mon.	Wiltsee Hall
Chas. J. Powers	M. L. Hughes	446 Powers Block	Rochester	Monroe	1st and 3d Tues.	Odd Fellows' Hall
A. A. Curtis	Kidder M. Scott	Geneseo	Geneseo	Livingston	2d Tues.	Odd Fellows' Hall
W. O. Stevens	Alex Williams, sr.	Dunkirk	Dunkirk	Chautauqua	1st and 3d Thurs.	Heyl Block
Robert Anderson	Joseph B. Lord	182d st. & Webster	New York	New York	2d and 4th Sat.	100 W. 24th st.
Gordon T. Thomas	H. R. King	Schroon Lake	Schroon Lake	Essex	1st and 3d Sat.	G. A. R. Hall
Staunton	J. H. Ackerson	Le Roy	Le Roy	Genesee	1st and 3d Sat.	Muller's Hall
E. G. Marshall	James S. Graham	Post Office	Rochester	Monroe	1st and 3d Tues.	G. A. R. Room, Ct. H's
J. J. Peck	Geo. H. Fisher	Akron	Akron	Erie	2d and 4th Mon.	Grange Hall
E. D. MacKenzie	Edw. S. Innis	141 Tompkins ave.	Brooklyn	Kings	1st and 3d Tues.	315 Washington st.
Thurlow Weed	Charles Fisher	Rensselaer	Rensselaer	Rensselaer	1st and 3d Fri.	Com. Council Room
John E. Sherman	H. D. Barns	North Rose	Rose	Wayne	2d and 4th Tues.	Memorial Hall
John E. Benedict	John J. Humphreys	Prospect st., Cedar Manor, Jamaica	New York	New York	2d Thurs.	125 Amsterdam ave.
E. D. Hole	E. A. Curtis	Fredonia	Fredonia	Chautauqua	2d and 4th Fri.	Stevart's Hall
Aaron Helmer	Fred A. Gray	Herkimer	Herkimer	Herkimer	1st and 3d Tues.	Grange Hall

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405	Marshall Segar	G. M. Jacobs	Jordan	Jordan	Onondaga	1st and 3d Tues.	G. A. R. Hall
406	Wm. M. Fish	James Speller	R. F. D. Ontario	Ontario	Wayne	1st Wed.	Robinson's Hall
407	Union	O. F. Gifford	Findly Lake	Findly Lake	Chautauqua	1st Sat. aft.	G. A. R. Hall
408	Fred Hecker	H. Schmidt	239 W. 30th st.	New York	New York	1st and 3d Thurs.	260 W. 41st st.
409	I. F. Quinby	Alfred J. Martin	46 Hadam st	Rochester	Monroe	2d and 4th Thurs.	Court House
410	Albert Dennis	A. J. Spalsbury	Clayton	Clayton	Jefferson	1st and 3d Fri.	G. A. R. Hall
411	Angell	William Lachauina	Moore's	Moore's	Clinton	2d Mon.	G. A. R. Hall
412	Wilbur Fuller	T. L. Parker	South Byron	Bergen	Genesee	1st Fri.	Firemen's Hall
413	G. W. Chadwick, Sr.	D. P. Townsend	Sauquoit	Sauquoit	Oneida	1st and 3d Sat.	G. A. R. Hall
414	Wing	Jas. D. Eagen	Bliss	Bliss	Wyoming	Last Sat.	Eagen's Hall
415	Alfred I. Hooker	Frank Gilday	Morristown	Morristown	St. Lawrence	1st and 3d Sat.	G. A. R. Hall
416	Wilson Dean	R. B. Davidson	Millpost	Millport	Chemung	Last Sat. aft.	White's Hall
417	Craig W. Wadsworth	C. R. Sanders	Nunda	Nunda	Livingston	2d and 3d Tues.	G. A. R. Hall
418	Isaac Waterbury	Phillip Metzgar	Central Square	Central Square	Oswego	1st & 2d Sat. 2 p. m.	Grange Hall
419	D. B. Lewis	George S. Clough	Constantia	Constantia	Oswego	2d & 4th Sat. aft.	Daffier's Hall
420	Lindley Howell	Wm. L. Dean	Oaks	Highland	Ulster	1st & 3d Sat. aft.	American Hall
421	Capt. Gibson	James Strong	Winthrop R. F. D. 2	Winthrop	St. Lawrence	2d & 4th Sat. 2 p. m.	Russell Hall
422	Latham	George W. Bates	Lake George	Lake George	Warren	1st Mon.	Town Hall
423	D. B. Smith	James S. Ball	Valois	Valois	Schuyler	2d and 4th Wed.	K. of P. Hall
424	James B. Campbell	Joseph A. Tasey	Plessis	Alexandria Bay	Jefferson	1st Sat.	Firemen's Hall
425	Col. Hiram Anderson	E. W. Kinney	Messena	Messena	St. Lawrence	2d & 4th Sat. aft.	G. A. R. Hall
426	Samuel Ackerly	N. S. Ackerly	Northport	Northport	Suffolk	1st and 3d Tues.	G. A. R. Hall
427	Wm. Woodworth	James Wilson	Rushford	Rushford	Allegany	1st and 3d Sat.	Agriculture Hall
428	B. Frank Maxson	A. B. Cottrell	Alfred	Alfred	Allegany	1st Sat.	Firemen's Hall
429	John F. Smith	Noah Wait	Sinclairville	Stockton	Chautauqua	Alternate Fri.	Grange Hall
430							
431	Teller	C. D. Hall	Neversink	Gramsville	Sullivan	1st Sat. 2 p. m.	G. A. R. Hall
432	Wallace B. Ransome	Tobias Berry	Clarence Center	Clarence	Erie	1st Tues.	G. A. R. Hall
433	Ass. L. Goodrich	H. O. Ford	Churchville	Churchville	Monroe	1st Mon.	Village Hall
434	Hiram Sherman	William Wetmore	Mexico	Vermillion	Oswego	2d & last Sat. aft.	G. A. R. Hall
435	Abel Smith-First	Edwin H. Squires	656 McDonough st.	Brooklyn	Kings	2d and 4th Mon.	441 Bedford ave.
436	Smith-First	Long	Union Hill, N. J.	New York	New York	1st and 3d Thurs.	8 Union Sq.
437	Fritz Harrar	Henry Montague	56 Liberty st.	Utica	Oneida	4th Thurs.	Huron Hall
438	Wm. E. Avery	T. P. Kellogg	Interlaken	Interlaken	Seneca	2d and 4th Tues.	Masonic Hall
439	G. L. Pierce	Luther Stanly	Forestville	Forestville	Chautauqua	1st Wed.	Adjutant's Office

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40	N. J. Swift	A. C. Fritts	Hamburg	Hamburg	Erie	1st Mon.	G. A. R. Hall
41	E. W. Mayhew	R. E. Horton	Chaumont	Three Mile Bay	Jefferson	1st and 3d Thurs.	
42	Wm. A. Miles	H. L. Bentley	German	McDonough	Chenango	2 P. M.	Grange Hall
43	Moses F. Odell	Geo. B. Stayley	Tax Office	Brooklyn	Kings	2d Wed.	Comrades' Hall
44	J. B. Burrud	Thomas Geer	Marion	Marion	Wayne	2d and 4th Thurs.	No. 300 Fulton st.
45	A. J. Chesnut	John H. Stevens	Lodi	Lodi	Seneca	Sat.	A. O. U. W. Hall
46	Ellis Grant	Eli Durham	Mecklenburg	Mecklenburg	Schuyler	1st and 3d Wed.	Sebring's Hall
47	Hannibal	O. A. Kipp	Hannibal	Hannibal	Oswego	1st Sat.	Arnold's Hall
48	Searle	H. L. Spooner	Brookfield	Brookfield	Madison	1st and 3d Fri. aft., 2 P. M.	G. A. R. Hall
49	Geo. S. Bradley	A. L. Jackson	Macedon	Macedon	Wayne	2d and 4th Sat.	G. A. R. Hall
50	Adam Wirth	Frederick Bauman	College Point	College Point	Queens	Last Sat.	Riddlecom's Hall
51	P. S. Gilmore	M. Hoffman	202 5th st.	New York	New York	2d Wed.	G. A. R. Hall
52	Norman F. Weer	John Brayton	Hartford	Hartford	Washington	4th Thurs. aft.	3d ave. & 91st st.
53	Maxwell	Philip Wetmore	Van Etten	Van Etten	Chemung	2d Sat. afternoon	Tolman Block
54	F. E. Pierce	I. H. Chatfield	241 Tremont st.	Rochester	Monroe	Last Sat. aft.	Village Hall
55	J. E. Parce	D. W. Crumb, M. D.	South Otselec	Cicero	Chenango	1st and 3d Tues.	City Cadets' Arm'y
56	Sanders	Denis Smith	Cicero	Cicero	Onondaga	Last Sat. aft.	G. A. R. Hall
57	Noah L. Farnham	Chas. J. Evers	418 E. 118th st.	New York	New York	1st Sat.	Coville's Hall
58	Mark L. Scoville	Charles D. Chilson	Mount Morris	Mount Morris	Livingston	2d and 4th Wed. 2d and 4th Tues.	315 W. 42d st. G. A. R. Hall
59	Walter C. Hull	B. W. Bonnell	Waverly	Waverly	Tioga	2d and 4th Wed.	G. A. R. Hall
60	D. Robbin	Sidney Hoxie	Dickinson Center	Dickinson Center	Franklin	3d Wed.	G. A. R. Hall
61	McGregor	S. D. Mix	Ellenburg	Ellenburg	Clinton	1st Sat.	G. A. R. Hall
62	Dawson	Geo. W. Hamilton	Spencer	Spencer	Tioga	1st Sun. afternoon	Town Hall
63	Cromwell	E. B. Long	White Plains	White Plains	Westchester	1st and 3d Thurs.	R. R. ave. & Sp'g st.
64	Obed Wheeler	James Newman	Amenia	Amenia	Dutchess	1st Fri. afternoon	Grange Hall
65	Geo. A. Rich	Joseph A. Rasey	De Kalb Junction	De Kalb Junction	St. Lawrence	1st Tues. aft.	G. A. R. Hall
66	Logie	L. H. Heckman	Campbell R. F. D., Thurston No. 1	Campbell R. F. D., Thurston	Steuben	Alternate Sat.	G. A. R. Hall
67	Monroe Brundage	E. B. Larwe	Hammondsport	Hammondsport	Steuben	2d and 4th Tues.	G. A. R. Hall
68	Belton	R. W. Edwards	15th st. & 6th ave.	Troy	Rensselaer	1st and 3d Wed.	636 2d ave.

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72 W. W. Cook	Daniel Kappelle	35 Grant ave.	Hamilton	Canada	1st Wed.	Green's Hall
73 Sanford	E. D. Sanford	Nicholville	Nicholville	St. Lawrence	1st and 3d Fri.	G. A. R. Hall
74 Howard	W. J. Bronk	Maine	Maine	Broome		
75 John W. Davis	H. J. Farran	Seeley Creek	R. F. Caton	Steuben	1st and 3d Sat., 2 P. M.	G. A. R. Hall
76 William H. Tarble	P. W. Chaffee	McGraw	McGrawville	Cortland	1st & 3d Mon. eve.	G. A. R. Hall
77 John A. Logan	S. I. Moore	Grand Gorge	Stanford	Delaware	2d and 4th Sat.	Masonic Hall
78 Chester Bishop	John B. Buffum	West Falls	Colden	Erle	2d Sat. 2 P. M.	G. A. R. Hall
79						
80 Gilbert Thomas	Robt. E. Parker	Stillwater	Stillwater	Saratoga	1st and 3d Tues.	Hart's Hall
31 Edward Seaman	John M. Mosher	Andover	Andover	Allegany	1st and 3d Sat.	G. A. R. Hall
32 J. Parson Stone	W. W. Elden	Camden	Camden	Oneida	Every Fri.	G. A. R. Hall
33 John Plasket	Elias Van Steenburg	Hancock	Hancock	Delaware	1st and 3d Fri.	Allison Hall
34 C. D. Beaumont	H. M. Mould	Keeseville	Keeseville	Essex	4th Thurs.	Firemen's Hall
35						
36 Wm. H. Long	George C. Smith	Dresden	Penn Yan	Yates	1st and 3d Tues.	K. of P. Hall
37 Hartshorn	Lewis Hunt	Schaghticoke	Schaghticoke	Rensselaer	2d Sat.	G. A. R. Hall
38 Geo. G. Pierce	Wm. H. Campbell	Castile	Castile	Wyoming	2d and 4th Mon.	G. A. R. Hall
39 W. W. Jackson	L. H. Jones	So. New Berlin	So. New Berlin	Chenango	1st and 3d Mon.	Smeader's Hall
40 Lemon	Jas. H. Pierce	Bloomington	Bloomington	Essex	1st Sat.	Town Hall
41 C. E. Mills	George Scott	Fort Edward	Fort Edward	Washington	4th Thurs.	G. A. R. Hall
42 Mart Hallett		Cameron	Cameron	Steuben	1st Sat.	Smith's Hall
43 Plumb	Wm. Frair	Sherburne	Sherburne	Chenango	2d and 4th Wed.	Masonic Hall
44 A. A. Hoff	Martin Myers	Union Springs	Union Springs	Cayuga	1st and 3d Tues.	Everett Hall
45 Ketcham	C. M. Woolsey	Melton	Melton	Ulster	1st & 3d Sun. 2.30	Walsey's House
46 Ward B. Burnett	John H. Briggs	Tarrytown	Tarrytown	Westchester	1st and 3d Tues.	Vanderbilt Bld'g
47 H. F. Mellon	L. F. Empey	Williamstown	Williamstown	Oswego	2d and 4th Sat.	Ingerson's Hall
48 James B. McKean	James R. Gibbs	Saratoga Springs	Saratoga Springs	Saratoga	3d Mon.	Kay P. Hall
49 McPherson-Doane	James A. Rooney	423 3d st.	Brooklyn	Kings	1st and 3d Sat.	Johnston Building
50 B. F. Middleton	Wm. Knappman	758 Halsey st.	Brooklyn	Kings	1st and 3d Sat.	879 Gates Ave.
51 Remington	E. N. Leonard	Savannah	Savannah	Wayne	3d Thurs. p. m.	Grange Hall
52 Wilbur Haven	P. G. Mayhew	Angelica	Angelica	Allegany	2d and 4th Fri.	Protective Legion Hall.
53 Burrell		Salisbury Center	Salisbury Center	Herkimer	1st Mon.	Grange Hall
54 Durkee	B. C. Somers	St. Regis Falls	St. Regis Falls	Franklin	2d & 4th Sat. p. m.	Pierce's Hall

NO.	NAME.	COMMANDER.	ADDRESS.	LOCATION.	COUNTY	TIME OF MEETING.	PLACE OF MEETING
05	Hagedorn	F. W. Van Martin	Halsey Valley	Halsey Valley	Tioga	2d & 4th Sat. P. M.	G. A. R. Hall
06	Arthur Smith	Frank J. Regan	East Aurora	East Aurora	Erie	1st Sat. P. M.	G. A. R. Hall
07	Marcy	L. E. Horton	Avoca	Avoca	Steuben	1st Thurs. 2 P. M.	Odd Fellows' Hall
08	Allenson Cook	Joseph Ferguson	Franklinville	Franklinville	Cattaraugus	1st and 3d Tues.	G. A. R. Hall
09	Flandrau	J. R. Holden	New Rochelle	New Rochelle	Westchester	2d and 4th Thurs.	City Hall
10	W. J. Hunt	J. B. Williams	Holland Patent	Holland Patent	Oneida	1st Sat.	G. A. R. Hall
11	N. H. Hebbard	Frank Turner	Davenport	Davenport	Delaware	1st and 3d Sat.	G. A. R. Hall
12	Hastings	Austin A. Ross	Horicon	Horicon	Warren	Last Sat. 2 P. M.	G. A. R. Hall
13	John W. Watson	Benjamin W. Grant	Catskill	Catskill	Greene	2d and 4th Wed.	G. A. R. Hall
14	W. Washburn	T. J. Terrill	Watkins	Watkins	Schuyler	2d and 4th Fri.	G. A. R. Hall
15	Naval	Andrew J. Gillman	688 E. 139th st.	New York	New York	3d Mon.	No. 70 E. 4th st.
17	Wm. B. Hazen	Harrison E. Allen	Springwater	Springwater	Livingston	1st Sat.	Maccabee Hall
19	Uri Gilbert	John W. Crier	Green Island	Green Island	Albany	4th Tues.	Corporation Hall
20	John P. Jenkins	Thomas N. Hilyar	Suffern	Suffern	Rockland	1st and 3d Wed.	Saylee's Hall
22	R. M. Slaing	O. L. Swift	Silver Creek	Silver Creek	Chautauqua	1st and 2d Mon.	G. A. R. Hall
23	Richmond	Bernard Mullin	Port Richmond	Port Richmond	Richmond	1st and 3d Sat.	Masonic Hall
25	F. M. Leonard	George W. Keyes	Copenhagen	Copenhagen	Lewis	Tues.	G. A. R. Hall
26	James E. Jenkins	J. L. Williams	Sherrill	Vernon	Oneida	1st Sat. afternoon	Protective Legion Hall
27	D. B. P. Mott	Wm. H. Patterson	Freeport	Freeport	Nassau	2d and 4th Sat.	Odd Fellows' Hall
28	S. C. Dwyer	Lawrence Redmond	Lewis	Elizabethtown	Essex	Last Sat.	G. A. R. Hall
29	Warwick	M. Quilty	Nichols	Nichols	Tioga	Tues. eve. on or before	Latham's Hall
30	Wm. Delell	Wm. C. Jardine	Waddington	Waddington	St. Lawrence	1st & 3d Mon. 2 P. M.	Boland's Hall
31	Wm. Wood	W. D. Jennings	Long Lake	Long Lake	Hamilton	Last Sat.	Hammers' Hall
32	James S. Knowlton	Thomas Hughs	150 Strachen	Toronto	Canada	3d Thurs.	Pythian Hall
33	C. F. Hammond	E. J. Barker	Crown Point	Crown Point	Essex	2d and 4th Fri.	Hammond chapel
34	Geo. C. Strong	Charles G. Curtis	178 Halsey st.	Brooklyn	Kings	2d and 4th Tues.	Fidelity Hall
35	Henry C. Lyon	R. N. Bennett	Pultney	Pultney	Steuben	1st and 3d Sat.	Goodrich Block
36	Chester Judson	Thomas Harding	Montgomery	Montgomery	Orange	1st and 3d Tues.	G. A. R. Hall

NAME.	COMMANDER.	ADDRESS.	LOCATION	COUNTY.	TIME OF MEETING.	PLACE OF MEETING.
17 Wm. Gurney	Wm. W. Hulce	Bay Shore	Bay Shore	Suffolk	1st Wed.	Odd Fellows' Hall
18 Gen. Logan	O. W. Atwood	Chatham]	Chatham	Columbia	2d Tues.	G. A. R. Hall
19						
20						
21 Elisha L. Hayward	Adam C. Wagner	302 Glenwood ave.	Buffalo	Erie	2d and 4th Tues.	248 Sycamore st.
22 Isaac Nicoll	Oscar Terwilliger	Salisbury Mills	Washingtonville	Orange	2d and 4th Mon.	Odd Fellows' Hall
23 Moses A. Baldwin	Thos. F. Gilbert	Hempstead	Hempstead	Nassau	2d and 4th Wed.	Carman's Hall
24						
25 Enslie	Geo. Chatfield	Cornwall-on-Hudson	Cornwall-on-Hudson	Orange	2d and 4th Tues.	Week's Hall
26 Jacob Branker	Henry Krupp	Newfane	Newfane	Niagara	1st and 3d Wed.	Brookings' Hall
27 C. H. Tillinghast	O. B. Strong	Morrisville	Morrisville	Madison	2d and 4th Sat.	G. A. R. Hall
28 Knot	M. R. Wescott	Sarona	Sarona	Steuben	1st and 3d Mon.	Odd Fellows' Hall
29						
30 Ballard	Joseph Chisam	Faberg	Faberg	Oneida	1st and 3d Sat.	Fox Hall
31 Gen. G. B. McClellan	John T. Hall	29 Whipple st.	New York	New York	1st and 3d Thurs.	515 Hudson st., cor. W. 10th st.
32						
33 Robert Orr	W. H. Burnett	Holland, Brooklyn	Holland	Erie	2d Sat.	Grigg's Office
34						
35 Bingham	S. S. Baxter	Wellsburgh R. F. D., No. 55	Wellsburgh	Chemung	Alternate Sat.	Exchange Hotel Hall
36						
37 Gen. James McQuade	Isidore Isaacs	928 Eagle ave.	New York	New York	2d and 4th Wed.	70 E. 4th st.
38 Geo. B. Charette	M. N. Dickinson	Warrensburgh	Warrensburgh	Warren	Last Sat.	Masonic Hall
39 Wm. G. Mitchell	Geo. McLeod	7 Palmetto st., Brooklyn	New York	New York	1st and 3d Mon.	Horton Building
40 Robt. J. Marks	John McCloskey	Richmond Hill	Elmhurst	Queens	2d and 4th Mon.	G. A. R. Hall
41 Wm. C. White	David Ferris	Greenwood	Greenwood	Steuben	1st & 3d Tues. aft.	Farris Hall
42 A. T. Bailey	John Meagher	Chateaugay	Chateaugay	Franklin	2d Tues.	Beman's Hall
43 A. H. Tanner	S. B. Loomis	Whitehall	Whitehall	Washington	Tues.	G. A. R. Hall
44 Fairchilds	C. G. Hunt	Walden	Walden	Orange	2d and 4th Sat.	G. A. R. Hall
45 J. N. Warren	Joseph B. Brown	Woodhull	Woodhull	Steuben	2d and 4th Fri.	G. A. R. Hall
46						
47						
48						
49 H. C. Farmer	Thomas D. Dean	Cleveland	Cleveland	Oswego	1st and 3d Sat.	Dean's Store

NO.	NAME.	COMMANDER.	ADDRESS.	LOCATION.	COUNTY.	TIME OF MEETING.	PLACE OF MEETING.
70	A. L. McDougall	Wm. J. Cruickshank	Salem	Salem	Washington	1st and 3d Fri.	Union Engine and Hose Co. Room
71	Willard Richardson	Geo. Beeman	Erieville	Erieville	Madison	1st & 3d Sat. aft.	G. A. R. Hall
72	Treeman	T. C. Ackley	Trumansburg	Trumansburg	Tompkins	1st and 3d Fri.	G. A. R. Hall
73	Lewis B. Porter	L. V. S. Mattison	Oswego	Scriba	Oswego	1st and 3d Wed.	Grange Hall
74							
75	John J. Wheeler	S. B. Owen	Warwick	Warwick	Orange	2d Wed.	G. A. R. Hall
76	Smyrna	H. H. Baker	Smyrna	Smyrna	Chenango	2d and 4th Fri.	Miner Hall
77							
78	Horace B. Clafin	Phillip Zimmerman	204 E. 124th st.	New York	New York	2d and 4th Fri.	125th st. and Lexington ave.
79	James B. Jones		Rathbone	Rathbone	Steuben	4th Sat.	Young's Hall
80	C. Swain Evans	W. B. Faulk	Durham	South Western	Albany	2d Fri. in April	G. A. R. Hall
81	Warren B. Waite	Henry Gleason	Pierpoint	Colton	St. Lawrence	2d Sat., 2 P. M.	G. A. R. Hall
82	H. H. Beecher	S. D. Clark	Bainbridge	Bainbridge	Chenango	2d and 4th Sat.	Grange Hall
83	Moses Dennis	Frank Waight	R. F. D. No. 1	Jasper	Steuben	1st & 3d Sat. aft.	Village Hall
84	Ira Thurber	V. R. King	Allegany	Allegany	Cattaraugus	2d and 4th Sat.	Embrier Hall
85	Chauncey Gardner	Thomas Smith	Parish	West Amboy	Oswego	2d & 4th Sat., 2 P. M.	G. A. R. Hall
86							
87	William M. Collin	A. C. Gelten	Sandy Hill	Sandy Hill	Washington	2d and 4th Wed.	G. A. R. Hall
88	Wm. F. Sherman	Luther Wright	Natural Bridge	Natural Bridge	Jefferson	1st and 3d Sat.	G. A. R. Hall
89	Cyrus Adams	P. E. Miller	Route 82	Jamesstown	Chautauqua	1st and 3d Fri.	Phoenix Hall
90	John C. Fremont	William Riley	Yonkers	Yonkers	Westchester	4th Thurs.	Phillipsburgh Bldg.
91	Doyle	D. C. Canton	New Haven	New Haven	Oswego	1st & 3d Sat. aft.	G. A. R. Post Room
92	Ells	W. C. Tucker	Alden	Alden	Erie	4th Sat.	G. A. R. Hall
93	Goodell	W. L. Earle	Tully	Tully	Onondaga	2d Sat.	Earles Hall
94	Robert W. Livingston	Levi S. Lamb	Keene Valley	Keene Valley	Essex	Last Fri.	Church Annex
95	William Pullen	Fred Platta, Sr.	Brewerton	Brewerton	Onondaga	Call of Commander	Comrades' homes
96	La Grange	Thomas Harris	Vestal	Vestal	Broome	1st and 3d Sat.	G. A. R. Hall
97	Gen. John B. Murray	Edgar N. Brown	Phelps	Phelps	Ontario	2d and 4th Wed.	G. A. R. Hall
98	Ryder	Henry Steen	Highland Falls	Highland Falls	Orange	Alternate Mon.	Goodell Hall
99	George Simons	F. H. Scranton	Parish	Parish	Oswego	1st Tues. aft.	Grange Hall
00	Lloyd Aspinwall	Edw. B. Kinney	230 W. 107th st.	New York	New York	2d Thurs.	156th st. and Amsterdam ave.

D.	NAME.	COMMANDER.	ADDRESS.	LOCATION.	COUNTY.	TIME OF MEETING.	PLACE OF MEETING.
2	A. & J. Van Nostrand	S. B. Luckey	Fillmore R. F. D., No. 1	Short Tract Frankfort	Allegany Herkimer	2d Sat. 2d and 4th Fri.	Pitt's Hall Masonic Hall
4	Frank Mann	John Krick	Frankfort				
7	James Monroe	J. R. Silliman	152 W. 14th st. Fayetteville	New York Manlius	New York	1st Thurs.	22d Regt. Armory
8	G. H. Bolster	M. B. Snook	Hannibal R. F. D., No. 1	South West Oswego	Onondaga	2d and 4th Wed.	G. A. R. Hal
9	John Stevenson	James Simmons					
0							
1							
2							
3	Tracy	Chas. Baker	Apalachin	Apalachin	Tioga	1st and 3d Sat.	G. A. R. Hall
4							
5	Joseph W. Warren	F. F. Sleight	Verona	Verona	Oneida	2d and 4th Tues.	G. A. R. Hall
6	Fair Oaks	J. J. Shipman	Ischua	Ischua	Cattaraugus	2d & 4th Fri. aft.	Chamberlain Hall
7	Henry Gridley	William Palmer	Millerton	Millerton	Dutchess	2d and 4th Sat.	Odd Fellows' Hall
8							
9	Col. E. E. Ellsworth	Henry W. Bailey	R. F. D., No. 2	Mechanicville	Saratoga	Every other Thurs.	K. of P. Hall
0	Henry Ward Beecher	James A. Tappen	(Waterford) 386 Marion st.	Brooklyn	Kings	2d and 4th Fri.	118 Myrtle ave.
1	F. M. Bull	Warren C. Flanders	Saranac Lake	Saranac Lake	Franklin	1st and 3d Mon.	Odd Fellows' Hall
2							
3	Gen. A. S. Devens	M. B. Wilcox	Elmira	Elmira	Chemung	1st & 3d Sat. aft.	G. A. R. Hall
4	Carey W. Miner	H. E. Leach	Georgetown	Georgetown	Madison	1st and 3d Sat.	Miner's Hall
5	McNaughton	Charles Spring	Caledonia	Caledonia	Livingston	1st Friday	G. A. R. Hall
6							
7	Lewis O. Conklin	George Kinner	Port Jefferson	Port Jefferson	Suffolk	1st Mon.	G. A. R. Hall
8	Sheridan	Geo. McA. Gosman	75 Hill st.	Long Island City	Queens	2d and 4th Sat.	Court House
9							
0	Gen. P. H. Sheridan	Charles F. Siteer	14 Fair View ave., Coboes	Waterford	Saratoga	2d and 4th Tues.	Broad & Third st
1	Col. Joseph Howland	William Morrell	Lawrenceville	North Lawrence	St. Lawrence	2d & 4th Sat., 2 P.M.	Chaffee Hall
2	Selah Cornwell	Francis Flinn	Ensenore R. F. D., No. 30	Scipio	Cayuga	Once a month	Association Hall

NO.	NAME.	COMMANDER.	ADDRESS.	LOCATION.	COUNTY.	TIME OF MEETING.	PLACE OF MEETING.
33	John P. Buckley	M. D. Swan	Belleville	Belleville	Jefferson	2d Fri.	Grange Hall
34	W. B. Carpenter		Galway	Galway	Saratoga	2d Sat. aft.	Union Hall
35	D. W. Kinne	Ezra Kern	Pembroke	Corfu	Genesee	3d Sat.	Odd Fellows' Hall
36	John Corning	E. S. Johnson	Gibson pl., Far Rock-away	Oceanus	Queens	2d Wed.	Lawrence Hotel Hall
37	Badgers	P. A. Markham	Dayton	Dayton	Cattaraugus	2d Tues.	Volks' Hall
38							
39	C. M. Pierce		North Cohocton	North Cohocton	Steuben	1st and 2d Sat.	Wetmore Hall
40	J. C. Walters	John Lindsay	Huntington, L. I.	Huntington, L. I.	Suffolk	1st Mon.	People's Room Hall
41	J. C. Lassen	Geo. L. Clemens	Clemens	Clemens	Washington	Call of Commander	Clemens Hall
42	H. B. Knickerbocker		Anityville	Anityville	Suffolk	1st and 3d Sat.	Wood's Hall
43	Wm. A. Jackson	E. M. Chamberlain	11 Elberon pl.	Albany	Albany	Tues. evenings	Albany County Bld.
44	Chas. McCulloch	W. H. Posson	West Berne	West Berne	Albany	1st Sat.	Reformed Ch. Hall
45	L. W. Truesdell	David A. Walch	Owego	Owego	Tioga	Thurs.	G. A. R. Hall
46	Anthony Stacey	Alfred E. Stacey	Elbridge	Elbridge	Onondaga	2d and 4th Sat.	G. A. R. Hall
47	Col. Randall	John R. Young	Liverpool	Liverpool	Onondaga	2d and 4th Sat.	Sharrers Hall
48	Gregory	C. F. Hayes	Prattsburgh	Prattsburgh	Steuben	2d and 4th Thurs.	Masonic Hall
49	L. A. Hazard	W. G. Johnston	Elmira	Elmira	Chemung	1st and 3d Tues.	118 & 120 Lake st.
50	H. F. Whipple	J. M. Weaver	Onoville	Onoville	Cattaraugus	2d and 4th Sat.	G. A. R. Hall
51	Hannibal Hamlin	O. E. Brenner	233 Horton st.	London	Canada	Call of Commander	184-196 Horton st.
52	H. N. Durce	H. E. Freelan	South Hartwick	Hartwick	Otsego	1st and 3d Sat.	G. A. R. Hall
53	Elijah Ward	P. D. Leys	Roslyn	Roslyn	Nassau	Last Wed.	Benevolent Hall
54	W. T. Wickham	Edward Smalman	Otto	Otto	Cattaraugus	2d Wed. aft.	Grange Hall
55	Henry A. Barnum	Thomas Britton	Riverhead	Riverhead	Suffolk	1st and 3d Sat.	G. A. R. Hall
56							
57	Wm. H. Stringer	Wm. R. Elphic	Munnsville	Munnsville	Madison	1st Sat.	Comrade Newcomb's rooms
58	Chas. H. Bentley	A. C. Emery	Morrisonville	Morrisonville	Clinton	1st and 3d Wed.	City Hall
59	Tiltons	Newton N. Cooley	Moscow	Moscow	Livingston	2d and 4th Tues.	G. A. R. Hall
60	C. N. Campbell	John E. Banks	Pawling	Pawling	Dutchess	1st Sat. aft.	Firemans Hall
61							
62	R. D. Pettit	Philip Deitrich	South Granby	Lysander	Onondaga	1st Sat. aft.	Gellets Hall
63	J. P. Spofford	Levi Helmer	Dolgeville	Dolgeville	Herkimer	2d and 4th Tues.	K. of P. Hall
64	S. S. Craig	Geo. N. Dingham	Porters Corners	Porters Corners	Saratoga	2d & 4th Mon. afts	Odd Fellows' Hall
65		F. D.	Middlegrove	Middlegrove			

NAME.	COMMANDER.	ADDRESS.	LOCATION	COUNTY.	TIME OF MEETING.	PLACE OF MEETING
A. A. Hall	J. F. Baxter	East Randolph	East Randolph	Cattaraugus	1st Wed.	Odd Fellows' Hall
R. B. Hayes	H. J. Knapp	Fayetteville	Fayetteville	Onondaga	1st Mon.	G. A. R. Hall
W. W. Stephenson	James E. Smith	387 Myrtle ave.	Brooklyn	Kings	2d and 4th Thurs.	165 Clermont ave.
Ben. Higgins	Evan I. Evans	East Syracuse	East Syracuse	Onondaga	2d and 4th Tues.	A. O. U. W. Hall
Gen. John E. Wood	Spencer W. Snyder	Watervliet	Watervliet	Albany	Every Wed.	Cor. 23d st. & B'way

RECAPITULATION OF POSTS.

BY COUNTIES AND NUMBER.

- Albany—Posts 5, 43, 63, 117, 121, 198, 312, 519, 580, 644, 645, 671.
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Broome—Posts 30, 108, 134, 150, 184, 199, 350, 377, 474, 596.
Canada—Posts 472, 532, 652.
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Chenango—Posts 12, 40, 83, 137, 196, 388, 442, 456, 489, 493, 576, 582.
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Essex—Posts 102, 252, 379, 395, 484, 490, 528, 533, 594.
Franklin—Posts 213, 284, 363, 462, 504, 562, 621.
Fulton—Posts 17, 242, 257, 289, 322, 462.
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Greene—Posts 27, 263, 514.
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Herkimer—Posts 19, 110, 364, 404, 604, 664.
Jefferson—Posts 188, 268, 269, 273, 300, 306, 323, 360, 373, 381, 410, 424, 441, 588, 633.
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Livingston—Posts 190, 216, 235, 343, 382, 392, 417, 459, 518, 625, 660.
Madison—Posts 49, 64, 160, 174, 272, 376, 448, 548, 571, 624, 658.
Monroe—Posts 1, 4, 84, 106, 211, 236, 270, 275, 288, 369, 391, 397, 409, 433, 455.
Montgomery—Posts 33, 51, 57, 70, 356.
Nassau—Posts 365, 527, 544, 654.
New York—Posts 8, 13, 24, 29, 32, 38, 42, 44, 62, 67, 69, 75, 77, 79, 80, 96, 100, 103, 113, 128, 135, 136, 140, 143, 146, 182, 192, 203, 234, 255, 259, 264, 307, 313, 330, 394, 402, 408, 436, 452, 458, 516, 552, 557, 559, 578, 600, 607.
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- Onondaga**—Posts 54, 66, 151, 164, 172, 278, 340, 358, 405, 457, 593, 595, 608, 647, 648, 663, 667, 670.
- Orange**—Posts 52, 58, 176, 266, 279, 301, 536, 543, 546, 564, 575, 589.
- Orleans**—Posts 73, 91, 114, 298.
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- Queens**—Posts 50, 283, 368, 451, 560, 628, 636.
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- Richmond**—Posts 112, 163, 524.
- Rockland**—Posts 82, 179, 521.
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- Saratoga**—Posts 46, 92, 116, 253, 290, 480, 498, 619, 630, 634, 655.
- Schenectady**—Post 90.
- Schoharie**—Post 157.
- Schuyler**—Posts 22, 341, 423, 446, 515.
- Seneca**—Posts 72, 78, 325, 438, 445.
- Steuben**—Posts 81, 194, 226, 240, 248, 276, 277, 314, 351, 372, 469, 470, 475, 492, 507, 535, 549, 561, 565, 579, 583, 640, 649.
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- Tioga**—Posts 59, 245, 342, 361, 383, 461, 464, 505, 529, 613, 646.
- Tompkins**—Posts 41, 68, 123, 158, 250, 260, 572.
- Ulster**—Posts 127, 168, 191, 212, 215, 420, 495.
- Warren**—Posts 147, 316, 422, 513, 558.
- Wayne**—Posts 55, 99, 109, 153, 173, 186, 193, 251, 291, 320, 401, 406, 444, 450, 501.
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- Westchester**—Posts 60, 95, 120, 144, 170, 378, 466, 496, 509, 590.
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1.	Governor's Message.
2.	Report of Banks of Discount and Deposit.
3.	Report of State Treasurer.
4.	Report of Railroad Commission.
5.	List of Standing Committees.
6.	List of Members.
7.	List of Standing Committee and Members.
8.	Report of Adjutant-General.
9.	Resolution, Hartman, regarding Jews.
10.	List of Members, Reporters, Committees, etc., etc.
11.	Report of Court of Claims.
12.	Report of New York Juvenile Asylum.
13.	Report of Commission for Selecting Lands—School for Boys.
14.	Report of United States Women's Relief Corps Home, Oxford.
15.	Report of State Water Supply Commission.
16.	Report of Commission of Gas and Electricity.
17.	Report of State Prison Improvement Commission.
18.	Resolution to Appoint Committee to Investigate Insurance Companies.
19.	Report of Joint Committee, Second Class Cities.
21.	Report of Prison Association of New York.
22.	Thomas Indian School, Iroquois, N. Y.
23.	Governor's Message Concerning Appropriation for the People of California.
24.	Report of Mohawk and Hudson River Humane Society.
25.	Report of Superintendent of Public Works.
26.	Senate Supplemental Index.
27.	Report of Lewis and Clark Exposition.
28.	Report of State Board of Charities.
29.	G. A. R. Report.

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